

OFFICIAL INFORMATIONCONFIDENTIAL**EVIDENCE CODE SECTION 1040
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: July 23, 2020

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: OFFICER-INVOLVED SHOOTING 043-19 FOR 7/28/20 CLOSED-
SESSION AGENDA

Division	Date	Time	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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77 th Street	8/19/19	10:00 p.m.		
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Officer(s) Involved in Use of Force	Length of Service
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Colomey, T./ SGT II	23 years, 11 months
Adam, B./PO III	25 years, 1 month
Martin, G./ PO III	21 years, 8 months
Hernandez, S./ PO III+I	21 years
Moreno, I/ PO III	18 years, 9 months
Gonzales, R./ PO III	15 years, 9 months
Burroughs, R./ PO III	11 years, 5 months
Peery, P./ PO III	8 years, 9 months

Total Involved Officer(s)

1 x SGT II
7 x PO III

Suspect	Deceased ()	Wounded (X)	Non-Hit ()
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Joe Lester Britton: Male Black, 65 years of age.

COP Recommendations

Tactics – Tactical Debrief, Captain Neal, Lieutenant Lopez, Sergeants Baumann, Colomey, and Porter, and Officers Adam, Burroughs, Gonzalez, Goosby, Hernandez, Martin, Messenger, Moreno, Ng, Peery, Perez, Peters, Pultz, Sandell, and Wills.

Drawing/Exhibiting – In Policy, No Further Action, Sergeant Baumann, Officers Adam, Burroughs, Gonzalez, Goosby, Hernandez, Martin, Messenger, Moreno, Ng, Peery, Perez, Peters, Pultz, Sandell, and Wills.

Non-Lethal Use of Force – In Policy, No Further Action, Officers Adam, Burroughs, Hernandez, Messenger, and Peery.

Less-Lethal Use of Force – In Policy, No Further Action, Sergeant Colomey, Officers Burroughs, Gonzalez, Martin, and Peery.

Lethal Use of Force – In Policy, No Further Action, Officer Moreno.

IG Recommendations

Tactics – *Administrative Disapproval, Officer Moreno.* Tactical Debrief, Captain Neal, Lieutenant Lopez, Sergeants Baumann, Colomey, and Porter, and Officers Adam, Burroughs, Gonzalez, Goosby, Hernandez, Martin, Messenger, Ng, Peery, Perez, Peters, Pultz, Sandell, and Wills.

Drawing/Exhibiting – Same as COP.

Non-Lethal Use of Force – Same as COP.

Less-Lethal Use of Force – Same as COP.

Lethal Use of Force – Same as COP.

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INVESTIGATION

Annotated Force Investigation Division (FID) Incident Summary¹

Synopsis: On Monday, August 19, 2019, at approximately 1340 hours, 77th Street Patrol Division officers responded to a neighbor dispute radio call. The officers arrived at scene and learned the suspect had assaulted two of his neighbors. The suspect subsequently entered his residence, refused to comply with the officers' commands to exit, resulting in a barricaded suspect. Metropolitan Division (METRO), Special Weapons and Tactics (SWAT) officers responded to the scene, breached the front door, and entered the residence. While inside the residence, the suspect pointed a handgun at Officers, resulting in an Officer-Involved Shooting (OIS).

***OIG Note No. 1:** The investigation showed that although the officer who used lethal force in this incident perceived that the suspect was pointing an object at him and that the object might be a handgun, no handgun or other firearm was recovered from the suspect or found in attic area after the suspect was taken into custody there, and no other evidence was recovered to support the belief that the suspect was in possession of a firearm at the time of the OIS. One rifle and one shotgun were recovered from the attic area during the course of this incident, but they were both recovered prior to the time when the OIS occurred.*

Investigative Summary

The incident began at 1340 hours when a Communications Division (CD) operator received a 911 call from Jose Aguirre, 76 years of age, who stated that his neighbor attempted to throw a metal object at him as he was in front of his residence.²

At 1340 hours, CD broadcast, "Any 77th Unit, neighbor dispute, 1331 West 48th Street, Subject is a male, Black, approximately 60 years old, wearing a blue sweater, black shorts, possibly under the influence yelling, throwing items, correction, objects at PR, Code 2, incident 3428, RD1204".

At 1341 hours, 77th Street Division, uniformed Police Officer III Janette Roman, Serial No. 37546, and Police Officer I Michael Buhrlen, Serial No. 43721, assigned to Unit 12A3, responded to the call.³ The officers were in a marked black and white police SUV

¹ The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

² Jose Aguirre, male Hispanic, 5 feet, 4 inches tall, 130 pounds.

³ Officer Roman, 14 years, six months, with the Department, 36 years of age, 5 feet 3 inches tall, 135 pounds. Officer Buhrlen, 10 months with the Department, 30 years of age, 6 feet tall, 175 pounds. Officers Roman and Buhrlen were wearing ballistic vests and had Department-approved handguns,

with emergency equipment. The Officers responded to the call Code Two and did not activate the vehicle's emergency equipment.⁴ While en route to the call, they discussed the nature of the call and tactics.

At 1347 hours, Officers Roman and Buhrlen arrived on scene, indicated that they were Code Six, via the Mobile Data Computer (MDC) and activated their BWV cameras as they met with Mr. Aguirre in front of his residence; located at 1331 West 48th Street.⁵ Mr. Aguirre told the officers that he was crossing the street when his neighbor, later identified as Joe Britton attempted to hit him with a wooden stick and metal chair.⁶ According to Mr. Aguirre, he was able to get away from the suspect with the assistance of his neighbor. As Officers Roman and Buhrlen were interviewing Mr. Aguirre, the officers BWV's captured the sounds of Britton yelling derogatory comments at the officers from inside his residence, located across the street at 1330 West 48th Street.

At 1354 hours, Officer Buhrlen broadcast, "12A3, can I get an additional unit and supervisor to 1331 W. 48th Street?" In the interim, the officers completed an Investigative Report, titled "Assault with a Deadly Weapon," DR No. 191220901 (Addendum No. 1).

Seventy Seventh Street Patrol Division, uniformed Police Officer III Roman Lomeli, Serial No. 39226, and Police Officer I Michael Winkler, Serial No. 43875, assigned to Unit 12X35 responded to the additional unit request.⁷ As the Officers were responding, Officer Roman called Officer Lomeli and requested they respond with breaching tools.

At 1357 hours, Officer Roman contacted the neighbor just east of Britton's residence to gather additional information. The neighbor identified himself as Davonte Johnson and informed Officer Roman that he was also assaulted by Britton earlier that day.⁸

handcuffs, TASERs, side-handle batons, and canisters of Oleoresin Capsicum (OC) spray attached to their Sam Browne equipment belts. The officers had their Hobble Restraint Devices (HRD) on their person and were equipped with their Body Worn Camera (BWV).

⁴ Code Two is an urgent call and shall be answered immediately. The red light and siren shall not be used, and all traffic laws shall be observed. The officers' vehicle, Digital-In-Car Video System (DICVS) was activated during a prior traffic stop and recorded audio and video of the incident.

⁵ Los Angeles Police Department Manual, Volume 4, Section 120.40 indicates when a unit is conducting a field investigation and no assistance is anticipated, a "Code Six" followed by the location shall be broadcast.

⁶ The suspect, Joe Britton, was a 65-year-old male Black with black hair and brown eyes. At the time of the incident, he was 6 feet 2 inches tall, and weighed 175 pounds.

⁷ Officer Lomeli, 11 years, six months, with the Department, 43 years of age, 5 feet 8 inches tall, 150 pounds. Officer Winkler, eight months with the Department, 23 years of age, 6 feet 3 inches tall, 190 pounds. Officers Lomeli and Winkler were wearing ballistic vests and had Department-approved handguns, handcuffs, TASER's, and canisters of OC spray attached to their Sam Browne equipment belts. Officer Winkler had an ASP baton and HRD on his person, while Officer Lomeli had his side-handle baton and HRD in their police vehicle. The officers were equipped with their BWV.

⁸ Davonte Johnson, male Black, 5 feet 5 inches tall, 145 pounds.

Johnson stated, at approximately 1200 hours, he arrived at his residence and Britton threw a baby walker at him, which struck him. Britton then attempted to throw a metal chair at him and threatened to shoot him in the head. An Investigative Report titled, "Assault with a Deadly Weapon," DR No. 191220902 was completed (Addendum No. 2).

Shortly after 1400 hours, 77th Street Division Sergeant Tamara Baumann, Serial No. 30540, assigned to Unit 12L30, along with Officers Lomeli and Winkler arrived at scene and were briefed by Officer Roman.⁹ Sergeant Baumann directed Officer Roman to request an air unit and additional units to block eastbound and westbound traffic between Normandie Avenue and West 48th Street. Officer Lomeli called the Mental Evaluation Unit (MEU) to obtain any background information on Britton. According to Sergeant Baumann, she assumed the role of Incident Commander (IC). In addition, Sergeant Baumann's BWV captured her advising the officers at scene that she spoke with Lieutenant Earl Perry, Serial No. 30330, assigned as 77th Street Division Watch Commander (WC) prior to her arrival.

Note: Investigators review of Communications Division recordings determined that Sergeant Baumann did not broadcast that she was the IC on 77th Area frequency.

At 1410 hours, Officer Roman's BWV captured her telephonic contact with Lieutenant Kevin Burke, Serial No. 35196, who was assigned as the 77th Street Division WC and provided him with the details of the incident and incident number.

In response to the additional units request, the following 77th Street uniformed Patrol Division police officers began to arrive at scene to assist with the incident: Police Officers II Raynaldo Yopez, Serial No. 41791, and Thomas Connolly, Serial No. 42681, Unit 12A69; Police Officers II Bryan Polomik, Serial No. 42951, and Jesse Estrada, Serial No. 32262, Unit 12X32; Police Officer III Paul Sandate, Serial No. 36567, and Police Officer II Marvin Abraham, Serial No. 42098, Unit 12A53; Police Officers III + 1 Ruben Cardenas, Serial No. 35197, and Rebecca Martin, Serial No. 30098, Unit 12SL53; Police Officers II Jordan Durazo, Serial No. 42030, and Hooman Nafissi, Serial No. 40832, Unit 12X66.¹⁰

⁹ Sergeant Baumann, 25 years, 10 months, with the Department, 54 years of age, 5 feet 8 inches tall, 155 pounds. Sergeant Baumann was wearing a ballistic vest and had a Department-approved handgun, handcuffs, TASER, and canisters of OC spray attached to her Sam Browne equipment belts. Sergeant Baumann had her side-handle baton in her police vehicle. Sergeant Baumann had a HRD on her person and was equipped with her BWV.

¹⁰ Officer Yopez, five years with the Department, 31 years of age, 5 feet 9 inches tall, 200 pounds. Officer Polomik, two years, six months, with the Department, 27 years of age, 5 feet 9 inches tall, 175 pounds. Officer Sandate, 16 years, 11 months, with the Department, 43 years of age, 6 feet tall, 210 pounds. Officer Abraham, four years, three months, with the Department, 28 years of age, 5 feet 5 inches tall, 200 pounds. Officer Cardenas, 20 years, six months, with the Department, 48 years of age, six feet tall, 220 pounds. Officer Martin, 28 years, eight months, with the Department, 53 years of age, 5 feet 9 inches tall, 150 pounds. Officers Yopez, Polomik, Sandate, Abraham, Cardenas and Martin were wearing ballistic vests and had Department-approved handguns, handcuffs, TASER's, and canisters of OC spray attached

According to Officer Roman and Sergeant Baumann, while they were at scene additional neighbors began to exit their residences and provide further information about Britton. Officer Roman stated, *"And then more neighbors commenced to exit their residence and said, Hey, yeah, that guys been a problem for a long time. He painted the curb green. He put LAPD on it. He puts barricades on there. Anybody who walks past his house he threatens to kill."*¹¹ (Investigators' Note No. 1) (Addendum No. 3).

Sergeant Baumann's BWV captured an exchange of information between her and an unknown male Black who she believed was a neighbor, who was moving his parked car. Sergeant Baumann was informed by the unknown male that Britton lived with his mother; however, he had not seen her for a while. According to Sergeant Baumann, she was concerned for the safety of the mother and believed that a well fare check was necessary.

Note: Shortly thereafter, Davonte Johnson told Officer Roman in the presence of Sergeant Baumann, that Britton lived in the residence alone. Davonte Johnson also stated that Britton's mother used to live with him, but was now deceased.

The unknown male neighbor who approached Sergeant Baumann was never identified at scene by officers or located by Force Investigation Division (FID) investigators during the subsequent canvass.

Beginning at 1417 hours, Officer Buhrlen utilized the Public Address (PA) system from a black and white police vehicle parked just east of Britton's residence and made several requests for him to exit and surrender. During these requests, Britton was ordered to exit his residence with his hands up. Officers at the scene attempted to gather additional information while calling Britton out of his residence and setting up containment.

Officer Roman and Sergeant Baumann had a conversation with Johnson, at which time he told them that Britton had threatened to shoot him. Johnson further stated, he believed Britton was a war veteran and believed he was capable of shooting him. Johnson stated he had not seen Britton with a gun. In addition, Johnson stated he previously made a battery report against Britton.

Note: Force Investigation Division investigators obtained the Investigative Report, dated August 1, 2019, titled "Battery;" Incident No. 19080100169 and the victim listed on the report was Nicole Hardway, who is the aunt of Davonte Johnson.

to their Sam Browne equipment belts. Officers Yepez, Polomik, Abraham, Cardenas and Martin had their side-handle batons in their police vehicles, while Officer Sandate had it on his person. The officers had their HRD on their person and were equipped with their BWV.

¹¹ Officer Roman's statement, Page 10, Lines 2-6.

At 1419 hours, Sergeant Baumann's BWV captured her phone call to Lieutenant Burke, briefing him that Britton threatened to shoot one of the victims. Sergeant Baumann explained the circumstances of the incident and her concern for the welfare of the possible mother who may be in the residence. According to Sergeant Baumann, Lieutenant Burke directed her to contact Metropolitan Division and 77th Street Area Detectives for further assistance in obtaining background information on Britton and his residence. At approximately 1421 hours, Sergeant Baumann contacted METRO, SWAT, Officer in Charge (OIC), Lieutenant II Ruben Lopez, Serial No. 25900, and advised him of the crimes that had occurred which included, Britton's threat of shooting his neighbor, as well as the fortified porch area of Britton's residence.¹²

According to Sergeant Baumann, Lieutenant Lopez advised that the circumstances did not meet the criteria for SWAT to respond. Sergeant Baumann stated, *"I think the main thing was, although we had an ADW suspect and it was a tactical nightmare, the armed part we didn't know."*¹³ *"The next-door neighbor just said that he had threatened to shoot him, but nobody had seen any guns ever or anything like that."*¹⁴

Meanwhile, according to Officer Buhrlen's BWV, he contacted 77th Street Area Detective I Carlos Lozano, Serial No. 35973, to ascertain if there were any handguns or want/warrants associated with Britton or his residence. According to Officer Buhrlen, he was provided with a possible name of *"Joe Lester"* and no further information.

Officer Lomeli conducted a want/warrant check on the name Joe Lester from his MDC and learned the individual did not return to the target location. Officer Lomeli called MEU to inquire about any prior contacts with Britton and the 1330 West 48th Street address. According to Lomeli, he was advised there were no contacts or history for Joe Lester or 1330 West 48th Street.

According to Officer Sandate's BWV, he utilized binoculars and obtained the license plate of a vehicle parked in the driveway of 1330 West 48th Street. Officer Sandate provided the information to Officer Abraham so he could run the plate on his MDC. According to Officer Abraham's BWV, he discovered the vehicle was registered to *"Joe L. Britton."* Officer Abraham conducted a California Consolidated Criminal History Reporting System (CCHRS) for Joe L. Britton, which revealed his date of birth of February 15, 1954, a residence address of 1330 West 48th Street, and a booking photo image.

¹² Los Angeles Police Department Training Bulletin, Barricaded Suspects/Subjects , Volume XVIII, Issue 9, December 2019, indicates a barricaded suspect incident prompting a SWAT response may include, but is not limited to criteria involving, the suspect is probably armed; and, probable cause exists to believe that the suspect has been involved in a criminal act or is a threat to the lives and safety of the community and/or police; and, is in a position of advantage, affording cover and/or concealment; or is contained in an open area and the presence or approach of police officers could precipitate an adverse reaction by the suspect; and, the suspect refuses to submit to a lawful arrest.

¹³ Sergeant Baumann's statement, Page 15, Lines 13-15.

¹⁴ Sergeant Baumann's statement, Page 15, Lines 21-25.

According to Officer Winkler's BWV, Officer Roman gave him a field interview card containing Britton's information. Officer Winkler then contacted MEU and learned on August 1, 2019, Britton assaulted a neighbor, was a veteran that suffered from "PTSD," and that Britton previously had a .38 caliber handgun registered to him, that had been seized and destroyed.¹⁵

According to Officer Winkler, *"And they advised that he suffers from PTSD, and then advised me about the firearm that had been confiscated."*¹⁶ According to Officer Winkler, *"I then relayed that information to all the officers at scene."*¹⁷

Note: According to Officer Winkler's BWV, he advised Officers Roman and Buhrlen regarding Britton's PTSD and the pistol that had been seized and destroyed in the presence of Sergeant Baumann.

At 1454 hours, Sergeant Baumann's BWV captured her call Lieutenant Burke to update him on the incident. Sergeant Baumann advised Lieutenant Burke that the name of Britton, did not return with any warrants or additional weapons in his name and METRO was not responding based on the circumstances that she provided to Lieutenant Lopez. Lieutenant Burke advised Sergeant Baumann to obtain further advisement from 77th Street Area Detective III Michael Lopez, Serial No. 35486. According to Sergeant Baumann's BWV, she called Detective Lopez and explained the circumstances of the investigation to him. During their conversation, Detective Lopez verified they completed a signed IR and advised Sergeant Baumann they could arrest him and attempt to *"take the door!"*

According to Sergeant Baumann, *"His house is basically barricaded. He's a neighborhood bully, he's an aggressive bully, and he probably should have been arrested before. So now, today, we have him acting like an asshole to two different families, and it's a tactical nightmare for our officers, and he's a felony suspect,"*¹⁸

OIG Note No. 2: *Additionally, in describing her thinking at this point during the incident, Sergeant Baumann said to FID, "Is he armed? I don't know, but he did say something to the neighbor about shooting him."*¹⁹

¹⁵ "PTSD" Post-Traumatic Stress Disorder (PTSD) is a mental health condition that's triggered by a terrifying event; either experiencing it or witnessing it. Symptoms may include flashbacks, nightmares and severe anxiety, as well as uncontrollable thoughts about the event. (<https://www.mayoclinic.org>)

¹⁶ Officer Winkler's statement, Page 11, Lines 12-14.

¹⁷ Officer Winkler's statement, Page 6, Lines 20-21.

¹⁸ Sergeant Baumann's statement, Page 8, Lines 15-20.

¹⁹ Sergeant Baumann's statement, Page 8, Lines 20-22.

Note: The conversation with Sergeant Baumann and Detective Lopez was heard on Sergeant Baumann and Officer Buhrlen's BWV.

At 1450 hours, Officer Roman utilized a police vehicle PA and resumed attempting to order Britton out of his residence multiple times. Officer Roman directed Britton to come out of the house with his hands up. Britton did not comply or respond to Officers Roman's commands.

Sergeant Baumann's BWV captured the formulation of a tactical plan to approach the residence. This plan involved Sergeant Baumann along with Officers Roman and Lomeli assembling an arrest team of officers to approach and attempt to make entry into Britton's residence. According to Sergeant Baumann, they had a felony crime and probable cause for arrest. Sergeant Baumann stated, *"So, the plan was to take the door, get it open, and then get the guys in as fast as we could and then address that second door."*²⁰

As part of the tactical planning of the arrest team, Sergeant Baumann assigned officers specific roles, while Officer Lomeli requested an air unit for containment. Officer Roman requested to have Officer Sandate deploy his Urban Police Rifle (UPR) and provide cover for the arrest team. According to Officer Sandate's BWV, he took a position behind a parked vehicle along the north curb across the street from Britton's residence.

At approximately 1504 hours, Pilot, Police Officer II+6 Rutillo Villareal, Serial No. 35041, and Tactical Flight Officer, Police Officer II+5 Andrew Nunez, Serial No. 38201, assigned to Air Support Division, Unit Air-3, arrived overhead and provided aerial support by requesting additional units and directing officers in containment positions around the residence.

At approximately 1507 hours, a tactical team formed a linear formation that consisted of Officer Winkler, designated as the point officer. Officer Winkler obtained and deployed a Department-issued ballistic shield and unholstered his service pistol with his right hand. He held his pistol with his right hand (finger along the frame) over the ballistic shield he was holding with his left hand. Officer Roman stood behind Officer Winkler and unholstered her service pistol. She held it in a two-hand low ready position (finger along the frame). Officer Buhrlen was positioned behind Officer Roman and deployed a "Halligan bar" pry tool, followed by Officer Abraham who deployed a "Ram." Officer Polomik unholstered his service pistol and held it in a two-hand low ready position (with his finger along the frame) and lined up behind Officer Abraham. Officer Lomeli was designated as the communications officer and lined up behind Officer Polomik. He unholstered his service pistol and held it in a two-hand low ready position (with his finger along the frame). Officer Martin followed Officer Lomeli and deployed a beanbag shotgun. She held it in a in a two-hand low ready position (with her finger on the safety). Officer Cardenas unholstered his pistol and held it in a two-hand low ready position and positioned himself near a window at the northeast corner. Sergeant

²⁰ Sergeant Baumann's statement, Page 19, Lines 3-5.

Baumann, who was designated as the IC, was positioned at the end of the formation. The officers approached Britton's residence in a single line formation from the residence east of Britton's.²¹

When the officers reached the front door, Officers Buhrlen and Abraham attempted to breach the front door; however, were unsuccessful. Officer Roman yelled commands to Britton, to come out with his hands up. Officer Roman's BWV captured Britton yelling, "Hey get out of my house, get out of here!" As Officer Roman continued to give commands for Britton to open the door, the BWV further captured Britton state, "Hell no, I'm going to get my gun!"²² According to Officer Roman, "However, he began to make threatening statements stating, what are you guys doing? I'm going to go get my gun and shoot you."²³

According to Officer Roman, when she heard Britton threaten to shoot them, she informed the arrest team of what he said and directed them to move back to cover. After hearing Britton's threat, Officer Abraham placed the Ram down on the ground, unholstered his service pistol and held it in a two-hand low ready position. Officers then moved away from the front door of the residence and redeployed two houses east of Britton's residence.

OIG Note No. 3: FID investigators asked Sergeant Baumann what the purpose was in moving the officers away from the porch area of Britton's residence. She replied, "So the officers didn't get shot."²⁴ FID asked her if she had any other intentions, to which she replied, "My intent was only the officers."²⁵ FID investigators then asked Sergeant Baumann whether she had any intentions to de-escalate the situation with respect to Britton, to which she replied, "I didn't think about de-escalating. Because of what he said, my concern was just them [the officers] at that time. So, I mean, it would definitely not agitate him now that we were gone, but agitated or not, we would have gone in. So we - - I mean, we had to redeploy, and we had him contained so."²⁶

Later during the interview, Sergeant Baumann's representative asked her, "And so, when - - when you received information from - - from him [Britton] that he's going to get his gun, as part of redeployment, was the officer

²¹ The officers on the tactical team indicated during their FID interviews that when they were making their approach they unholstered their service pistols due to the felony crimes Britton committed and his threats to shoot Johnson, and the reasonable belief that the incident could arise to the use of deadly force.

²² These statements were captured from the audio of Officer Roman's BWV.

²³ Officer Roman's statement, Page 14, Lines 9-11.

²⁴ Sergeant Baumann's statement, Page 22, Line 2.

²⁵ Sergeant Baumann's statement, Page 22, Line 9.

²⁶ Sergeant Baumann's statement, Page 22, Lines 14-25.

safety and, also, the de-escalation so the suspect is not agitated?”
*Sergeant Baumann replied, “Sure.”*²⁷

Officers Abraham, Polomik, Lomeli, Cardenas, Martin and Sergeant Baumann remained on the porch area of 1320 W. 48th Street, while Officers Roman and Buhrlen redeployed to the north side of the street behind a parked vehicle with their service pistols held in a two-hand low ready position. Officer Roman continued to yell commands for Britton to exit his residence with his hands up. Moments later, Officers Winkler’s BWV captured him walk to his police vehicle and retrieve a Department issued shotgun. Officer Winkler redeployed to 1326 East 48th Street, (one property east of Britton’s residence) and handed the shotgun to Officer Abraham for him to deploy on Britton’s residence. At that point, Officer Abraham positioned himself on the porch area and utilized the stucco wall and porch support pillar to maintain a visual and point on Britton’s residence.

Note: In the interim, at 1528 hours, as Officer Abraham maintained point, Officer Winkler’s BWV captured him relieve Officer Abraham with deployment of the shotgun and point position. At 1618 hours, Officer Polomik’s BWV captured him deploy the shotgun and relieve Officer Winkler with point position, per Officer Winkler’s request. At 1627 hours, Officer Polomik’s BWV captured Officer Abraham relieve him and take over point position with the shotgun.

At 1509 hours, Sergeant Baumann’s BWV captured her contact METRO for a second time to inform them that Britton threatened to shoot officers in the face and that patrol resources had containment set up around the residence. According to Sergeant Baumann’s BWV, a series of calls were made between METRO, 77th Street Area Detectives, and the WC. During the conversations, according to Sergeant Baumann’s BWV, Lieutenant Lopez advised her to have officers on containment place a spike strip in front of Britton’s driveway if feasible. Lieutenant Lopez also requested 77th Street Area Detectives to author a search warrant for Britton’s residence.²⁸

In the meantime, Sergeant Baumann established a Command Post (CP) at Raymond Avenue south of 48th Street and assigned Tactical frequency (TAC), TAC 1, Channel 37.

As the officers-maintained containment of Britton’s residence, Officer Roman continued to make multiple requests over the PA system for Britton to exit. Officer Roman’s BWV captured audio of Britton yelling back at her. In addition, as Officer Sandate was deployed with his UPR behind a parked vehicle north of Britton’s residence, Britton was

²⁷ Sergeant Baumann’s statement, Page 33, Lines 15-24.

²⁸ Officer David Redd, Serial No. 33499, assigned to 77th Street Area Detectives Major Assault Crimes/Crimes Against Persons Section authored a search warrant for Britton’s residence approved by the Honorable Judge Melvin D. Sandvig (Addendum No. 4)

heard yelling, *"I'm gonna shoot you in the head, get that gun out of my face or I'm gonna shoot you in the head!"*²⁹

During the time Officer Sandate was deployed with his UPR, Officer Roman broadcast for Officer Yepez to respond and relieve Officer Sandate. At approximately 1539 hours, Officer Yepez relieved Officer Sandate and deployed his UPR behind a parked vehicle along the north curb across the street from Britton's residence.

At approximately 1543 hours, Lieutenant Perry arrived at the CP and was briefed by Sergeant Baumann. Lieutenant Perry relieved Sergeant Baumann of her role and assumed the role of IC, as the incident continued to unfold. At 1724 hours, 77th Street Area Commanding Officer (CO), Captain III Alcenda Neal, Serial No. 30599, arrived at the CP and assumed the role of IC from Lieutenant Perry for the duration of the incident.

At 1554 hours, Sergeant Baumann's BWV captured her directing the officers positioned to the east of Britton's residence to don their ballistic helmets. In addition, Sergeant Baumann directed officers to conduct evacuations of residents east, west and north of Britton's residence.

At 1559 hours, Sergeant Baumann's BWV captured her conclude a call with Lieutenant Lopez and confirm that SWAT would respond to handle the incident as a barricaded suspect based on the threat Britton made of being armed with gun and refusing to exit his residence. According to Sergeant Baumann, she was advised by SWAT Lieutenant Lopez, that detectives assigned to METRO discovered Britton had two possible handguns registered to him.³⁰

At 1604 hours, Sergeant Baumann's BWV captured her assessing the deployment of the spike strip to Britton's driveway. At that time, Officers Roman and Lomeli advised Sergeant Baumann that Britton was seen in the second story window. According to Sergeant Baumann, there was not a safe approach to deploy the spike strip.

At approximately 1615 hours, Lieutenant Lopez notified SWAT personnel of the call-out via email. The assigned SWAT personnel responded from an off-site training facility. Lieutenant Lopez briefed the responding SWAT team members via email as to the nature of the crime, Britton's background information along with a photograph of him, the weapons registered to him, and the circumstances of the suspect being barricaded.

At approximately 1643 hours, SWAT personnel and equipment began to arrive at the CP. The SWAT personnel deployed to the exterior of the residence and were attired in dark blue utility uniforms, tactical vests, gas masks and ballistic helmets. Unless otherwise noted, each officer was armed with a Department-approved rifle carried on

²⁹ These statements were captured from the audio of Officer Sandate's BWV.

³⁰ Sergeant Baumann's statement, Page 9, Lines 4-7.

their persons in a tactical sling and each carried a Department-approved handgun and was equipped with BWV.

According to Lieutenant Lopez, his duty as the SWAT OIC was to work in conjunction with the IC, providing options and recommendations in concurrence with METRO's CO to resolve the critical incident. Tactical recommendations of the SWAT OIC would only be initiated with the approval of the IC. Metropolitan Division SWAT Sergeant II Timothy Colomey, Serial No. 32059, was designated as the squad leader, while SWAT Police Officer III+I Steve Hernandez, Serial No. 34927, was assigned as the assistant squad leader.

A Crisis Negotiation Team (CNT) was established with SWAT Sergeant II Floyd Curry, Serial No. 34967, designated as the OIC. The other members of the CNT included SWAT Police Officers III +1 Eduardo Perez, Serial No. 30602, and Behavioral Sciences Services Section (BSS) Psychologist I Doctor Julie Snyder, Serial No. N5226.

Note: The personnel assigned to CNT were dressed in plain clothes, a tactic used to assist in building a rapport with suspects. In addition, they are not equipped with BWV during crisis negotiations.³¹

Also present at the scene were Los Angeles Fire Department (LAFD), Tactical Emergency Medical Support (TEMS) Fire Firefighter/Paramedics (FF/PM) Scott Lazar, and Michael Contreras, both of who were part of a contingent of trained FF/PM's who deploy with SWAT assets during tactical operations to render immediate medical aid to injured citizens and police personnel.

After obtaining a briefing of the incident, Sergeant Colomey and Officer Hernandez began to develop their tactical plan which included removing patrol officers who were in containment positions and replacing them with SWAT personnel.³² At that time Sergeant Colomey, along with Officers Hernandez and Pultz, accessed the backyard of the first residence west of Britton's residence to inspect the rear of Britton's residence.

³¹ Counter-Terrorism and Special Operations Bureau Notice, dated, June 13, 2018, indicates crisis negotiation discussions with the subject of the call, family members, or others assisting in the resolution of the incident should not be recorded on BWV.

³² The following Metropolitan Division personnel responded to this incident and were involved in the tactical operation: Sergeant II Michael Porter, Serial No. 30729, Police Officers III+1 Michael Messenger, Serial No. 30403, Police Officers III Isaac Moreno, Serial No. 35866, Gregory Martin, Serial No. 34477, Royce Burroughs, Serial No. 39255, Rene Gonzalez, Serial No. 37128, Phillip Perry, Serial No. 40651, Bruce Adam, Serial No. 30978, Anthony Samuelson, Serial No. 30676, Rodney Williams, Serial No. 37102, Canaan Bodell, Serial No. 34688, Joseph Goosby, Serial No. 35124, Kelly Sandell, Serial No. 31321, Jonathan Pultz, Serial No. 34942, Howard Ng, Serial No. 30405, Detective II Erik Saldenber, Serial No. 33077, and Detective I Francisco Arredondo, Serial No. 30869. The Commanding Officer of Metropolitan Division, Captain III Jonathan Tippet, Serial No. 26086, also responded to this incident.

Note: During the initial inspection of the target location, Sergeant Colomey and Officers Hernandez and Pultz BWV were not activated.³³ As they were in the yard east of Britton's, Officer Hernandez observed a surveillance camera affixed to Britton's garage. According to Officer Hernandez, he obtained approval from Sergeant Colomey to utilize a stick he found on the ground to disable the camera. Furthermore, three additional surveillance cameras were located mounted around the residence, however, were not disabled at that time.

Following the preliminary inspection, at 1716 hours, Sergeant Colomey's BWV captured him, along with Officers Hernandez, Peery, Williams, Bodell, Martin, and Ng assembled another team and utilized the Ballistic Engineered Armored Response Counter Assault Tool (BearCat) vehicle driven by Officer Ng to scout the surrounding area of Britton's residence. Officer Hernandez assigned the following officers in yards adjacent to Britton's for containment purposes: SWAT Officers Bodell and Williams were deployed to the west side, Officers Goosby and Samuelson were deployed to the southeast side and 77th Street uniformed Patrol Police Officers Il Hooman NaFissi, Serial No. 40832, and Jordan Duranzo, Serial No. 42030, assigned to Unit 12X66, were deployed to the south side. Officer Hernandez advised them to hold their containment position until further direction from SWAT personnel.

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³³ Counter-Terrorism and Special Operations Bureau Notice, dated, June 13, 2018, indicates discussions among team members related to tactics, strategies, and their sequence of implementation should not be recorded on BWV.

Diagram No. 1



(Google Maps View of 1330 West 48th Street)

At approximately 1700 hours, an additional BearCat was positioned in the street to the east of Britton's residence. This BearCat contained Sergeant Curry and Officer Perez as the CNT component with Officer Moreno positioned inside the BearCat hatch as the Designated Cover Officer (DCO). Officers Messenger, Adam, and Pultz were positioned behind the BearCat designated as the arrest team, while CNT efforts were being conducted. From 1700 to 1818 hours, Officer Perez made numerous attempts to order Britton out of his residence, utilizing the BearCat PA system; however, Britton did not comply. During the course of the dialogue, Britton yelled derogatory comments and made numerous threats to shoot the CNT operators and SWAT officers at scene. At 1727 hours, Officer Moreno's BWV captured Britton yelling, "I'm going to shoot you in the face!"

According to Officer Moreno, "As they were talking to him, I heard on several occasions the suspect yelling at us in like an angry demeanor that he - - he stated, "I'm going to shoot you in the face," and that he had a 9-millimeter that he was going to use to do that. I actually heard that, and I broadcasted over the air those statements that the suspect had said. It was at one point the suspect had stated, and as he was looking at me and my fellow officers, and he had stated that, I have a high-powered rifle, and I'm going to shoot you in the face"³⁴

³⁴ Officer Moreno's statement taken on August 23, 2019, Page 6, Lines 23-25, and Page 7, Lines 1-8.

Note: During the course of CNT efforts, Officer Perez utilized the BearCat's PA system and provided a Use of Force warning which was captured on Officer Moreno's BWV.³⁵

After numerous verbal requests for Britton to exit his residence failed, CNT responded to the CP to update the IC of Britton's refusal to exit. At that time, CNT operators and Doctor Snyder formulated a plan to audio record a message by his neighbor, Mr. Robbie who was standing by at the CP. After making the recording, additional attempts to get Britton to exit his residence were made by SWAT crisis negotiators. The audio recording of Mr. Robbie was played two times; however, Britton refused to exit his residence and surrender. Sergeant Curry stated, *"He said, you said your name is Robbie. I'm going to shoot you in the face. I'm - - I know you're not Robbie."*³⁶ (Investigators' Note No. 2).

When those attempts proved unsuccessful, Sergeant Colomey and Officer Hernandez devised a plan to utilize less-lethal munitions to disable the surveillance cameras affixed to the exterior of the residence. According to Officer Hernandez, disabling the cameras would eliminate Britton's view of the containment units and would potentially initiate a response from Britton to exit his residence. In addition, during the plan to disable the cameras, Sergeant Colomey devised a contingency gas plan, which included the use of Ferret projectiles containing Oleoresin Capsicum (OC) and Chlorobenzylidenemalononitrile (CS) gas should Britton arm himself and return gunfire at the less lethal munitions.³⁷ At 1750 hours, Sergeant Colomey advised Lieutenant Lopez of both plans. Lieutenant Lopez then obtained approval from the IC to implement the plans.



40mm Less-Lethal Launcher and Ferret Round

³⁵ A Use of Force warning is a verbal command and a warning of potential consequences of the use of force. An officer shall, when feasible, give the warning prior to the application of force.

³⁶ Sergeant Curry's statement, Page 13, Lines 11-13.

³⁷ A Ferret is a projectile containing either OC or a low concentration of CS gas delivered with the use of a 40mm grenade launcher.

At 1806 hours, Sergeant Colomey broadcast the tactical/gas plan over the radio to units on containment. The plan was to disable the surveillance cameras first. If no reaction from Britton was received, attempts would be made to call Britton out of his residence. If Britton was still refusing to exit, the gas plan would be initiated. Sergeant Colomey advised SWAT personnel via radio that the first phase of the gas plan would be initiated via the BearCat hydraulic boom system through a window located at the northeast side of the residence.³⁸ Sergeant Colomey also advised personnel that if Britton reacted violently to the cameras being disabled, a contingency plan to utilize Ferret CS gas rounds would be initiated instead of the BearCat boom. As this was occurring, Officer Hernandez along with additional SWAT personnel prepared the BearCat hydraulic boom system with CS gas.



CS Smoke Canister

At 1830 hours, Officer Hernandez broadcast to initiate the plan to disable the surveillance cameras. Upon hearing the initiate order, Officer Goosby who was standing in the rear yard of the property east of Britton's residence, fired nine 40 millimeter Less-Lethal Launcher (40mm LLL) eXact iMPact rounds at three separate cameras disabling them all. The cameras were located near the southeast corner of the residence, the east side of the residence and the southwest corner of the residence.

Officer Burroughs was standing in the BearCat hatch that was positioned near the northeast corner of Britton's residence and fired three Beanbag Shotgun Super-Sock rounds, disabling a camera on the north side of the residence. As the rounds were fired, Officer Perez utilized the PA to advise Britton that the rounds being fired at his residence were from the officers and they did not want to further damage his mom's house. Britton did not respond to Officer Perez or the less-lethal munitions fired at his surveillance cameras.

At 1833 hours, Sergeant Curry advised Lieutenant Lopez, they were at an impasse due to Britton not responding to repeated requests for him to exit the residence and that CNT efforts would cease. At that time, Sergeant Colomey advised Lieutenant Lopez the plan was to move forward with tactical intervention (gas plan) that included the use

³⁸ SWAT Channel 66 is recorded, a copy is maintained in FID records.

of chemical agents.³⁹ The IC concurred with the CNT assessment and authorized the transition to tactical intervention.

Sergeant Colomey's plan was to insert chemical agents into Britton's residence to persuade Britton to exit.⁴⁰ The Chemical agents were to be inserted on the north, east and west sides of the residence. The gas plan included chemical agents being delivered from the BearCat hydraulic boom into the first floor and Ferret rounds inserted into the second floor using the Department-issued less lethal 37mm or 40mm Penn Arms Multi-launcher. Both methods of gas are deployed with a "fire plan" in place.⁴¹ According to Lieutenant Lopez, *"And we had a fire plan with the battalion chief which is standard protocol."*⁴² This plan was approved by the IC. Prior to the gas plan being initiated, a ram-camera was affixed by SWAT personnel to the BearCat hydraulic boom.⁴³

According to FF/PM Lazar, *"And so, I was doing coms that day so I was communicating with our battalion chief." "We call it the alpha delta quarter in the fire department. Either way, it's what was the west side of the structure and I'd be able to operate freely down the street, meet a fire company down there and do all that. So, I coordinated with the chief on what - - where we wanted the fire company to go."*

Mike coordinated a little bit with I believe the closest sergeant and I - - I forget who it was on - - if we get a fire engine over there can we operate to this point. So, I kind of handled everything down the street. He handled everything kind of at the house."

*We married up and made sure our plans were jiving with one another which they were. And then I went down the street to physically go get the hose lines, get them into place while Mike stayed and kind of monitored the situation and made sure that what our plan was will be the plan going forward."*⁴⁴

At 1841 hours, Sergeant Colomey broadcast over the radio to initiate phase one of the gas plan. Officer Gonzalez drove the BearCat with Officer Sandell as the front passenger and Officer Burroughs as the DCO standing in the BearCat roof hatch. Officer Gonzalez inserted the hydraulic boom and ram-camera through a window on the

³⁹ The chemical agents utilized were OC and CS gas.

⁴⁰ All deployed SWAT personnel donned their gas masks.

⁴¹ A fire plan consists of a LAFD response plan where individuals are designated and staged around the target location. Fire hydrants and water sources are identified to be implemented in conjunction with SWAT tactics.

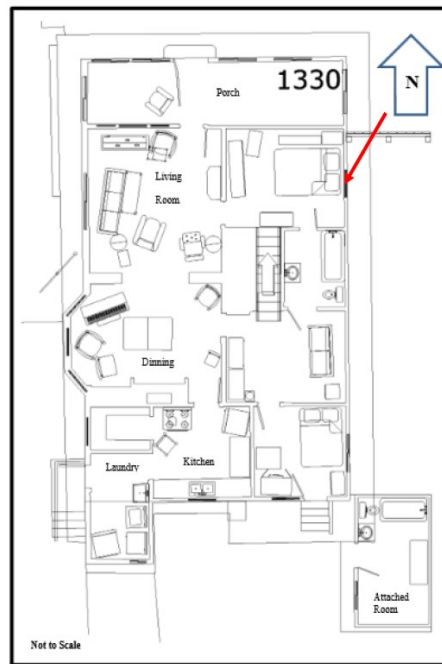
⁴² Lieutenant Lopez 1st statement, Page 15, Lines 11-13.

⁴³ A "Ram-Camera" is a camera mounted on the hydraulic boom for viewing capabilities; the camera does not record.

⁴⁴ Firefighter/Paramedic Lazar statement, Page 30, Lines 19-20, Page 31, Lines 3-19. "Coms" is a term used to identify when a person is tasked with communication duties.

first floor located at the northeast side of the residence and deployed the gas. Sergeant Colomey confirmed with Lieutenant Lopez that the gas was successfully implemented. Following the first deployment of gas, Sergeant Colomey utilized the BearCat PA to advise Britton that gas had been inserted, they did not want to hurt him, and he needed to exit his residence. Britton continued to refuse to exit his residence and yelled at officers.

48th Street



(1330 West 48th Street First Floor)

Phase-One Gas Plan Diagram

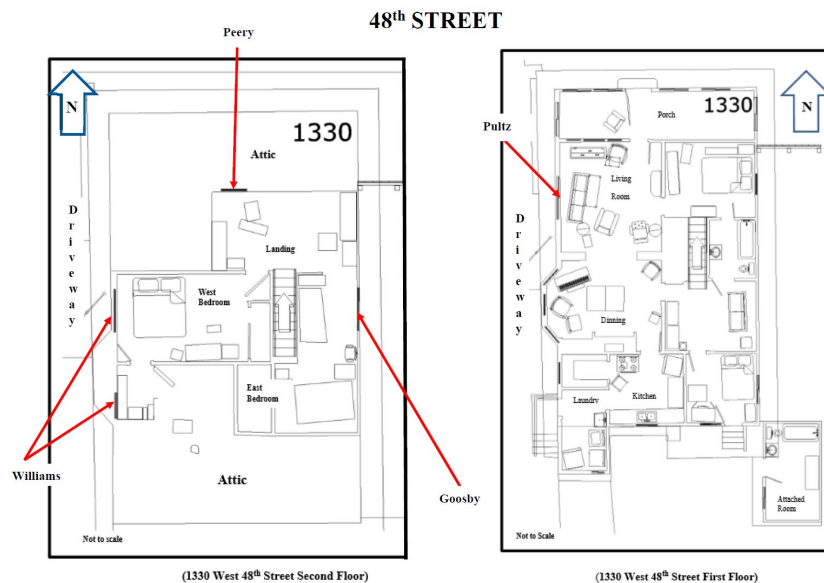
After the initial deployment of gas on the first floor was deemed ineffective, the second phase of the gas plan was initiated. Prior to initiating the second phase of the gas plan, Sergeant Colomey broadcast the plan to all SWAT personnel at scene. The second phase called for ferret rounds to be fired into each of the accessible openings of the second floor and for Officer Pultz to insert a Tomahawk with CS gas via pole be introduced.⁴⁵

⁴⁵ A "Tomahawk" is a hand-held metal device used as a delivery system to contain a hot-burning CS gas grenade. The Tomahawk is used to throw, together with a gas canister, into a target location and prevent combustion. Five-seventeen gas is a tri-chamber CS less lethal irritant deployed either by hand or by the use of a pole.



Tomahawk

At 1851 hours, the second phase of the gas plan was initiated. Officer Pultz was inside of a BearCat which was positioned in the driveway, on the west side of the residence. Officer Pultz utilized a port hole inside the BearCat and placed a CS gas canister inside a Tomahawk that was attached to the end of a fireman's pole and inserted it through a first floor window on the west side of the residence.



Phase-Two Gas Plan Diagram

Officer Goosby fired a total of four ferret gas rounds, two of which successfully penetrated through a second story window located on the east side of the residence and two failed rounds that struck the window frame of the residence and deflected outside.

Officer Peery fired two ferret gas rounds through a second story window located on the north side of the residence while positioned behind the BearCat that was parked north of the residence.

Officer Williams fired six ferret gas rounds through two second story windows located on the west side of the residence while positioned in the backyard one residence west of Britton's residence.

The officers that were in containment positions around Britton's residence waited and listened for any evidence that Britton was affected by the chemical agents and received no response.

At 1852 hours, Sergeant Colomey's BWV captured him requesting Britton to exit his house and providing warnings that he did not want to damage his house or hurt him. Sergeant Colomey continued to request Britton to surrender using a PA from the front of his residence. Britton did not respond to these additional requests/warnings.

At 1855 hours, Sergeant Colomey advised Lieutenant Lopez that they did not have any response from Britton and told him that Britton closed the second story window he was using to yell at them through. Sergeant Colomey then advised Lieutenant Lopez of his plan to utilize the hydraulic boom on the BearCat to breach Britton's front security and interior door to obtain a visual of the first floor and deploy the ICOR robots.⁴⁶



ICOR Robot

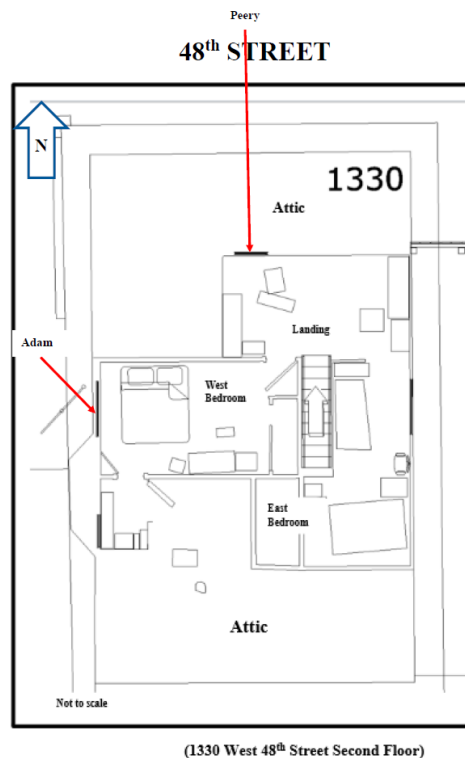
At 1902 hours, Officer Gonzalez drove the BearCat equipped with the hydraulic boom toward the front security door of Britton's residence and breached it with the hydraulic boom creating an opening into the patio area. Sergeant Colomey then utilized the PA to advise Britton they had removed his front door and told him to exit his residence. Britton again did not respond to requests to exit the residence.

At 1918 hours, Officer Gonzalez again drove the BearCat toward the front of the residence to remove the interior front door. As he was maneuvering the boom inside the enclosed patio area to breach the interior front door, an unintentional deployment of

⁴⁶ The ICOR robot is a Department-approved remote operated device utilized by Metropolitan Division SWAT personnel. It is equipped with a PA system and video cameras that provide a live video feed that is not recorded.

gas was initiated when the hydraulic boom struck the door. According to Sergeant Porter's BWV, he broadcast on the radio to Sergeant Colomey about the unintentional deployment of gas.

At 1925 hours, the third phase of the gas plan was broadcast over the radio to all SWAT personnel and then initiated. Officer Peery fired three ferret rounds through a second story window located on the north side of the residence while positioned behind the BearCat that was parked north of the residence.



Phase-Three Gas Plan Diagram

Officer Adam was positioned on the west side of the BearCat that was positioned in the driveway of Britton's residence. At that time, he placed a Tomahawk that contained a CS gas grenade on the end of an aluminum pole and inserted it through a window on the second floor. Following that, Officer Pultz inserted a Recon robot into the same second story window to search the second floor of the residence.⁴⁷ Attempts were made to search the second floor with the robot; however, due to debris and clutter inside the residence the robot was unable to complete the search.

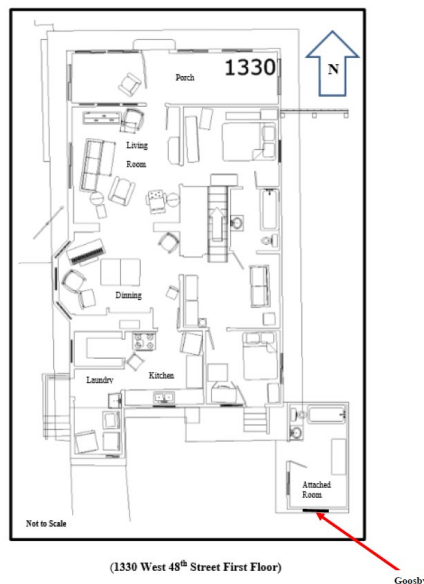
⁴⁷ The Recon robot is utilized as a remote-controlled camera on wheels and is not equipped with audio capabilities.



Recon Robot

After the deployment of gas, Sergeant Colomey directed TEMS personnel to shut off the main water line to Britton's residence; however, were unsuccessful. At 1942 hours, Sergeant Colomey was advised that the southeast corner of Britton's residence contained a small addition to the residence, which could provide access to Britton. As a result, Sergeant Colomey requested permission from the IC and Lieutenant Lopez to deploy Ferret rounds into that structure.

After obtaining approval, at 1944 hours, Officer Goosby fired two ferret rounds through a window leading into the attached structure to the rear of the main residence. Officer Goosby was positioned alongside a detached garage located in rear yard east of Britton's residence when he deployed the Ferret rounds into that structure.

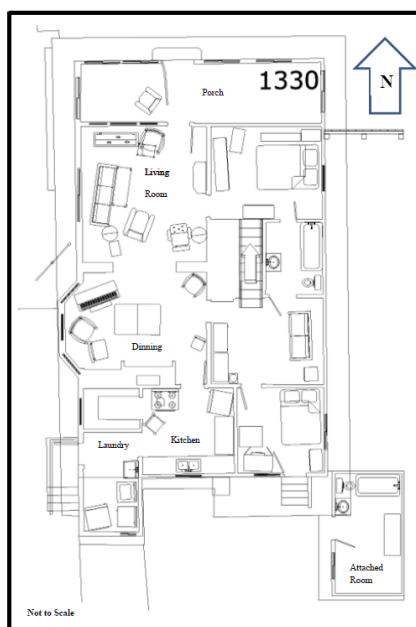


Rear Structure Location Diagram

Absent evidence that the chemical agents were effective, Sergeant Colomey formulated and relayed a plan to enter the residence to clear/search for Britton using the mini-ICOR robots, followed by METRO K-9, then SWAT personnel. The plan was approved by the IC. Upon making entry, two mini-ICOR robots were used to remotely search various portions of the residence. The robots were being operated by Officers Martin and Messenger who advised Sergeant Colomey of the layout inside of the residence. As the mini-ICOR robots were searching, they became caught up on debris inside the

residence and rendered inoperable preventing them from locating Britton.⁴⁸ Sergeant Colomey then moved into the next phase of the plan and directed Officer Wills along with K9 Silas, Serial No. 308, to enter and search the first floor with SWAT personnel behind him.

The SWAT entry team was comprised of Sergeant Colomey and Officers Hernandez, Moreno, Peery, Messenger, Martin, Burroughs, Gonzalez, Sandell and Adam.



First Floor Diagram

The entry team systematically searched the first floor, however; Britton was not located. During the search of the first floor, a deadbolt lock was located on a door adjacent to the staircase. According to Officer Hernandez, he believed the door may lead to a basement. The staircase was located toward the rear of the residence and led to the second floor. According to Sergeant Colomey, the next phase of the search plan was to have an officer deployed to monitor the locked door downstairs, while the mini-ICOR and recon robot went upstairs, followed by the K-9 and team of SWAT officers to search/clear the second floor.

As they prepared to, and searched the second floor, a makeshift curtain was hanging at the top of staircase landing obstructing their view of the second floor. At that time, high intensity lights were placed in the staircase to illuminate the area while Officers Burroughs and Adam acted as the DCO at the base of the staircase. Officer Messenger then utilized a fireman's pole to pull the curtain down which allowed the searching officers a view of the second floor and simultaneously clear the debris on the landing. The K-9 was then deployed to the second floor to search the area along with a recon robot that was being operated by Officer Martin. The search was met with negative

⁴⁸ The mini-ICOR robot was ultimately repaired and utilized for searching of the second floor.

results. Officer Wills recalled the K-9 to the first floor, at which time an ICOR robot was deployed to the second floor by Officer Messenger. Officer Messenger utilized the robot camera to obtain a visual layout of the second floor and the robot speaker to verbalize commands for Britton to exit. Once again, Britton did not respond to commands to exit.

At approximately 2031 hours, Sergeant Colomey and Officer Hernandez formulated a plan to deploy up the staircase and search the second floor behind the K-9. The officers systematically searched the second-floor rooms without locating Britton; however, they discovered an attic access point between the walls and the roofs eaves. At that time, Sergeant Colomey discussed their tactical options and formulated a plan to hold on the second-floor access point and address the locked door on the first floor before they moved forward. Officers Gonzalez and Adam held on the second floor while Sergeant Colomey advised SWAT personnel that the plan was to breach the locked door, deploy gas if necessary, followed by deployment of a recon robot, K-9, then SWAT personnel. Sergeant Colomey relayed the plan to Lieutenant Lopez who obtained approval from the IC.

At approximately 2100 hours, Officers Burroughs and Sandell breached the locked door on the first floor adjacent to the staircase with a sledgehammer and Halligan bar, while Officer Martin was positioned as the DCO. Officer Martin entered the door after it was breached and cleared a small closet space that provided no access to other rooms within the house. The entry team then planned to do a secondary search of the first floor to confirm the area was clear. Officer Hernandez then formulated a plan to have a team of officers search the exterior portion of the residence to verify that there was no access point or crawl space underneath the residence that Britton could have utilized to escape. Officer Wills and K-9 Silas along with Officers Burroughs, Sandell and Martin searched the area with negative results. Officers also searched the small room addition and detached garage located at the rear of the residence and met with negative results. Following the exterior searches, Officer Hernandez conferred with Sergeant Colomey to move back to the second floor to address the access point in the eaves.

At approximately 2031 hours, the entry team moved to the second floor and began to address the attic access point/eaves area.

At 2107 hours, Officer Peery's BWV captured him positioned inside a walk-in closet off the second-floor west bedroom while Officer Adam was acting as his DCO. The closet had an access point leading into the attic eaves. Officer Peery utilized a mirror attached to a pole and inserted it into the attic eaves space, while positioned outside the attic opening to search for Britton; however, he was unsuccessful in locating Britton. As the tactical plan continued to move forward, Sergeant Colomey devised a plan to deploy an aerosol OC vapor gas canister into the attic eaves to illicit some type of reaction or response from Britton. The attic eaves opening was accessible from a walk-in closet just off the second-floor west bedroom.



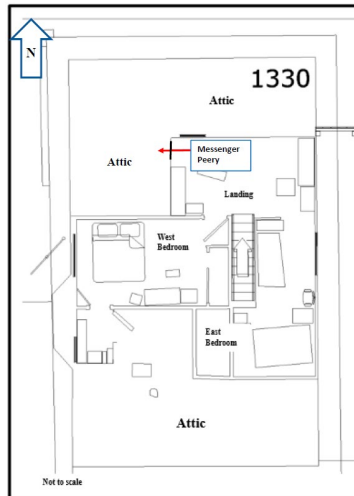
OC Vapor Gas Canister

Sergeant Colomey advised Lieutenant Lopez of the plan, who then obtained approval from the IC. At approximately 2113 hours, Officer Peery's BWV captured him positioned inside the second floor walk-in closet and deploy one OC vapor gas canister by hand into the eaves, while Officer Burroughs was positioned as the DCO. Sergeant Colomey then again advised Britton to exit. Britton did not respond to the deployment of gas or Sergeant Colomey's command to exit.

At approximately 2118 hours, Officer Peery was moved into the northwest corner of the second floor located near the north side of the residence. While standing in the portion of the residence, Officer Peery observed multiple layers of paper affixed to a wall that covered a large opening. The opening lead into another set of eaves in the attic located on the north side of the residence. Officer Hernandez advised Officer Wills to send K-9 Silas into the opening to search for Britton. Silas entered the opening and did not locate Britton.

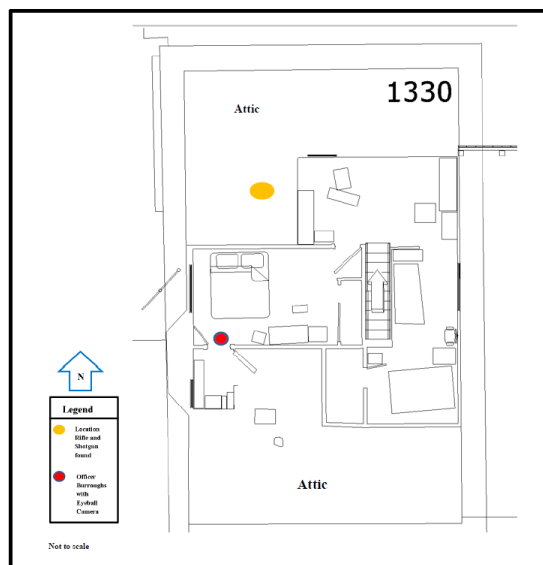
Officer Peery again utilized the mirror to search inside the north attic opening, followed by Officer Gonzalez with the eyeball camera.⁴⁹ Both search methods were unsuccessful in locating Britton.

⁴⁹ The eyeball camera is an omnidirectional tactical camera that transmits real-time 360-degree/video in real-time.



North Attic Space Diagram

As the tactical plan moved forward, at approximately 2134 hours, Officer Messenger's BWV captured him, and Officer Peery access the attic opening to conduct a physical search. While searching, Officer Messenger alerted Sergeant Colomey they located two guns cases, which were camouflage and brown and resembled rifle bags.⁵⁰ Officers Messenger and Peery handed the gun cases containing a rifle and shotgun out of the attic to Sergeant Colomey. As Sergeant Colomey was removing the bags from the attic area, Officer Burroughs reported possible contact with the suspect from the second floor bedroom located on the east side of the residence. Sergeant Colomey broadcast the suspect was possibly located and redeployed to Officer Burroughs' location. According to Officer Burroughs, as he deployed the eyeball camera into the attic opening, he observed a piece of insulation being thrown over the eyeball camera.



Attic Evidence Diagram

⁵⁰ The rifle bags were inspected by Officer Burroughs and removed to the first floor by Sergeant Colomey.

According to Sergeant Colomey's BWV, he devised a plan to redeploy away from the attic opening where Officer Burroughs was positioned and attempt to call out Britton from the doorway of the bedroom. The officers redeployed away from the closet into the bedroom doorway. Officer Messenger then announced to Britton that it was the Los Angeles Police Department and they did not want him to get hurt. Officer Messenger ordered Britton to drop all weapons and exit. After he was given multiple commands to exit, Britton did not comply. Due to the insulation being placed over the camera, the decision was made to deploy a Sting-Ball grenade into the attic opening where it was believed Britton was hiding. In the event, they did not have any reaction from Britton, the K-9 would be sent in to search the area. Sergeant Colomey discussed the plan with Lieutenant Lopez who obtained approval from the IC.



Sting-Ball Grenade

At 2138 hours, Officer Burroughs threw a Sting-Ball grenade into the attic opening, while Officer Peery was positioned as the DCO and Officer Moreno was positioned with the 40mm LLL. According to Officer Burroughs, he threw the grenade around the corner where he believed Britton was hiding, but did not hear any response or reaction from Britton upon its detonation. After the Sting-Ball grenade was deployed, Officer Burroughs utilized the eyeball camera to monitor the area; however, did not hear or observe Britton.

Sergeant Colomey updated Lieutenant Lopez that they did not have any movement from Britton as a result of the Sting-Ball Grenade and discussed their next tactical option. According to Sergeant Colomey, based on Officer Burroughs observation of insulation being thrown over the camera in the attic, a plan was devised to utilize thermal readers to scan the ceiling of the first floor in an effort to obtain a heat signature of Britton in the attic.⁵¹ Officer Burroughs described the last known location of Britton to Officer Martin who was equipped with the thermal reader. According to Officer

⁵¹ The thermal readers utilized were supplied from the Los Angeles City Fire Department personnel at the CP.

Burroughs, Britton was possibly positioned on the west side of the attic approximately eight feet inside from the second-floor closet opening.

Officers Martin and Moreno redeployed to the first floor and utilized the thermal readers to scan the ceiling of the area Officer Burroughs described to them. After scanning various portions of the ceiling to obtain a heat signature, Officer Martin moved into a laundry room that was adjacent to the kitchen. Officer Martin discovered a piece of plaster missing from the ceiling and formed an opinion that it was the area the Sting-Ball grenade had detonated. According to Officer Martin, he scanned the general area and obtained a heat signature that he described as being, “*decently small*”. Officer Martin stated, “*But knowing how a thermal device works, it starts in one general area and works its way out.*”⁵² Upon seeing the heat source, Officer Martin advised Officer Hernandez via radio transmission that he located a heat signature in the ceiling.

According to Sergeant Colomey, after the heat signature had been located in the area of the kitchen, he devised a plan to cut a hole in the kitchen ceiling adjacent to the heat signature utilizing an electric chain saw. Once the hole was made, the eyeball camera would be placed into the opening to attempt to locate Britton. As the officers assessed where to cut an opening in the ceiling, they observed an exhaust fan above the stove. Prior to cutting a hole in the ceiling, Officer Hernandez devised a plan to utilize a fireman’s pole to remove the exhaust fan and place an eyeball camera inside to view the attic.

At approximately 2201 hours, Officer Adam requested the eyeball camera from the second floor be brought down to the first floor. At approximately 2203 hours, Officer Adam removed the exhaust fan with the fireman’s pole. As he did so, Officer Moreno was deployed to his left inside the kitchen acting as the DCO. Meanwhile, as Officer Adam was positioned to the right (north) of Officer Moreno near the kitchen doorway, Officer Martin was positioned at the southeast corner of the kitchen. According to Officer Moreno, he placed his rifle in a high ready position with the stock of his rifle underneath his right armpit and the muzzle pointed toward the vent opening. Officer Moreno had his left hand placed on the forward grip and maintained his right finger along the frame of his rifle with the rifle selector switch in the safe position. According to Officer Moreno, he used this position because Britton was in a position of advantage with high ground in the attic.

At 2204:26 hours, Officer Burrough’s BWV captured him removing the eyeball camera from the attic opening at the time of the Officer-Involved Shooting (OIS)

Note: The eyeball camera extended into the attic space approximately eight feet and was angled slightly from west to east.

⁵² Officer Martin’s 2nd statement, Page 18, Lines 8-9.



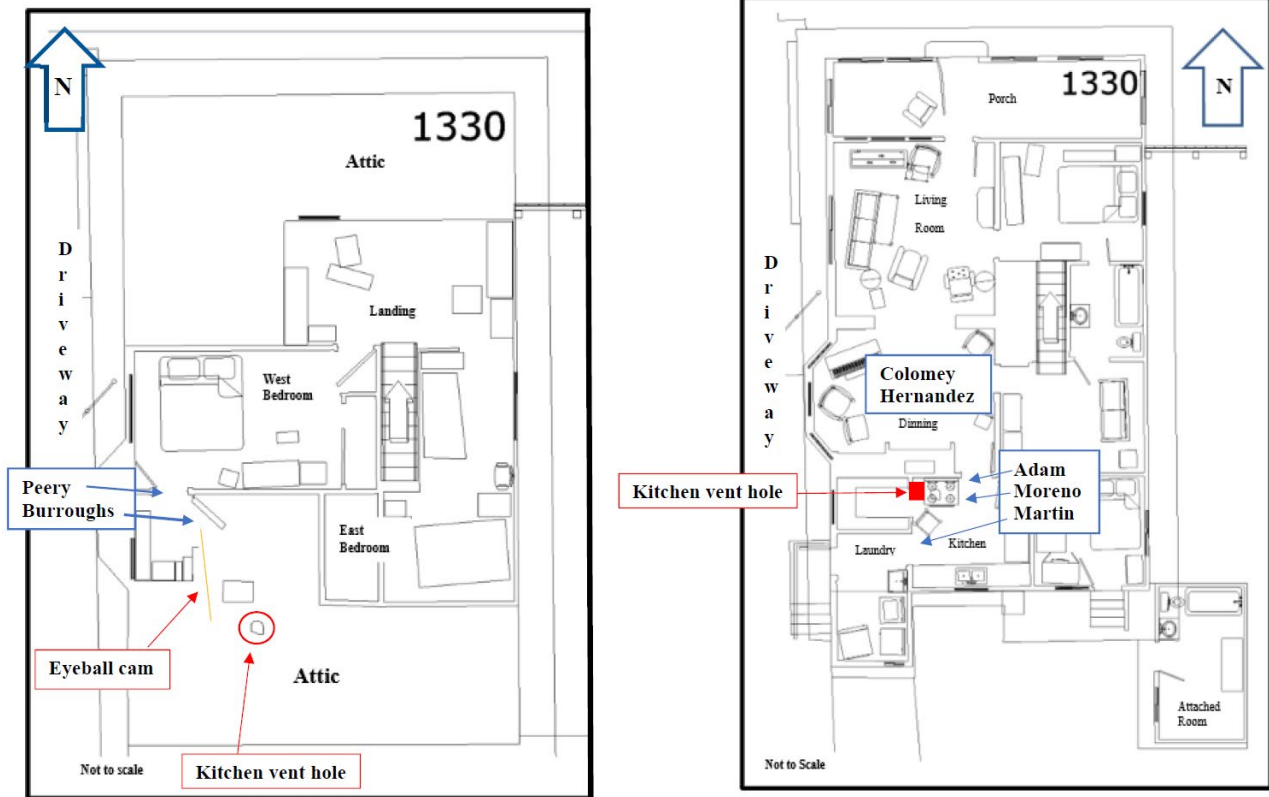
Photograph captured from Officer Burrough's BWV

According to Officer Moreno, he observed the insulation in the attic rise rapidly near the west corner of the vent hole, approximately two-feet inside of the opening. According to Officer Moreno, he utilized his rifles mounted light to illuminate the opening and blind Britton. According to Officer Moreno, he observed a metal object which resembled the barrel of a handgun in Britton's right hand. Believing Britton was going to shoot him or his fellow officers, Officer Moreno lowered his profile by bending his legs, switched the selector switch to fire, and fired one round upward from a standing shooting position.⁵³ According to Officer Moreno's BWV, he is heard yelling, "*Shit, Fucked Up!*"⁵⁴ After Officer Moreno fired his rifle, he moved toward the kitchen doorway where Officer Adam was positioned. Officer Hernandez then broadcast that they had movement in the attic and shots fired. Following that, on Officer Moreno's BWV, he is heard stating, "*Right here, I have movement, right here!*" Officer Moreno's single round was fired in a westerly direction, angled upward, from an approximate distance of seven to 12 feet.

[This space intentionally left blank.]

⁵³ Officer Moreno, 18 years, ten months with the Department, 43 years of age, 5 feet 9 inches tall, 225 pounds.

⁵⁴ The audio from Officer Moreno's BWV during the OIS was enhanced by Force Investigation Division's Investigative Support Unit.



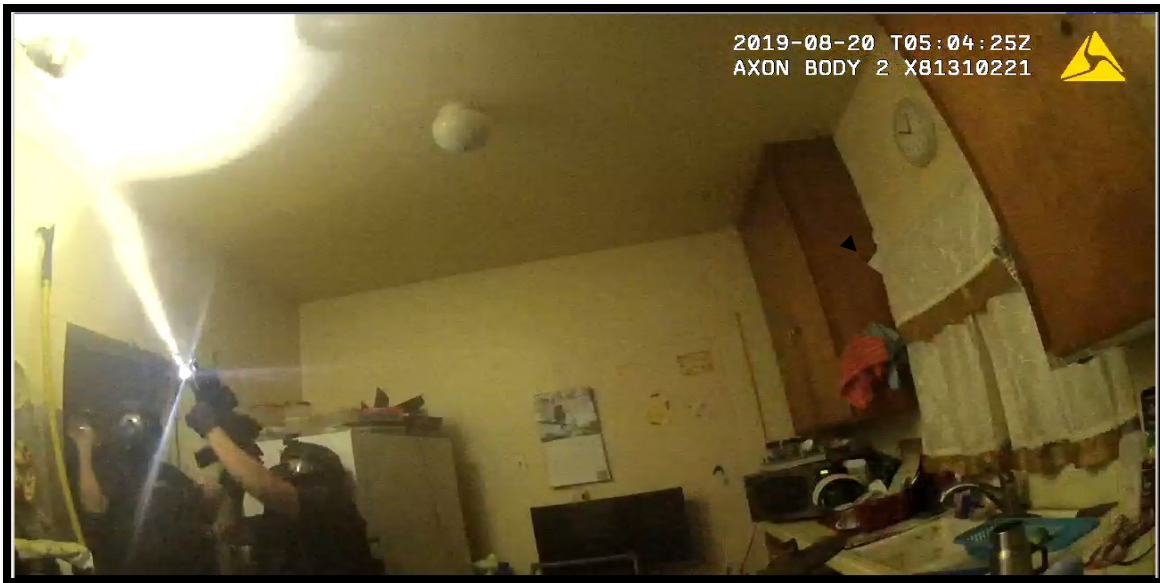
Officer Positions Diagram

According to Officer Moreno, *“Once I turned on my light, I saw there was a metal object directly in front of the suspect, and it appeared as he - - as he was holding onto it and pointing it at us as he continued to lunge forward towards my direction. I then yelled, “Shit. Gun, gun,” and believed that the suspect was armed with a handgun due - - due to it being a narrow metal like material which resembled a barrel of a handgun. It was more like the - - the very front tip muzzle of a handgun. It appeared that the suspect did not look startled.”*⁵⁵

*“Based on the suspect’s prior statements that he wanted to shoot us in the head, his military training, and what I was observing at that immediate moment, I believed and feared that the suspect was going to try to shoot me or my fellow officers who were located at the one-four corner of the attic while in an ambush conceal position.”*⁵⁶

⁵⁵ Officer Moreno’s 2nd statement, Page 20, Lines 17-25 through Page 21, Line 1.

⁵⁶ Officer Moreno’s 2nd statement, Page 21, Lines 8-14.



Photograph captured from Officer Martin's BWV

Note: According to Officer Moreno, he believed he yelled, “Shit, Gun, Gun!” after the OIS. According to Officer Moreno, “From my memory as I recall, I do remember saying those words, “Shit,” and “gun, gun!” And the “gun! gun,” I thought I said when I observed the gun and I was moving and shooting to cover simultaneously. Now that I listened to the enhanced audio and I don’t hear myself saying, “gun,” but I do hear myself saying “shit,” and “fuck,” or “fucked up,” and those are probably words that I did say at the time. Fucked up, I don’t remember saying it, but I do remember feeling it and thinking it at that time.”⁵⁷

According to Officer Martin, he believed he heard somebody yell, “Gun!” According to Officer Martin, “At what point, I’m starting to back out, and, you know, with gas masks on and everything, but I believe I heard somebody say, “Gun.”⁵⁸

OIG Note No. 4: There was no audio evidence discovered on BWV during the investigation indicating that anyone yelled, “Gun” at this time.

According to Officer Moreno, “I’ve been involved in many deadly force situations as a shooting officer or witnessing officer where a miss has followed up with either my fellow team members dying or being shot by the suspect or allowed other officers to have other shots during the incident. So, when I saw the suspect was still moving and I had

⁵⁷ Officer Moreno’s 3rd statement, Page 4, Lines 4-13.

⁵⁸ Officer Martin’s 2nd statement, Page 20, Lines 14-16.

not did my job, I immediately had heavy emotions coming down my chest and back. And I felt that I failed my team members.”⁵⁹

Sergeant Colomey and Officer Hernandez were standing in the living room adjacent to the kitchen when Officer Moreno fired his rifle. According to Sergeant Colomey, he believed Britton fired a single round at them and asked if everyone was alright on the first and second floor. Sergeant Colomey then broadcast, *“Hey, 20D to all units on containment, everyone inside the location is ok, no one was hit by that round!”⁶⁰* Following Sergeant Colomey’s broadcast, Officer Hernandez advised him that it was Officer Moreno who shot. At 2206 hours, Sergeant Colomey’s BWV captured him broadcast that the shot was from the officers on the inside and not the suspect. Additionally, Sergeant Colomey broadcast that the suspect made a “movement.”

OIG Note No. 5: *The investigation revealed that there was confusion and delay in determining that the gunshot had been fired by an officer, and that the other officers present were unaware that Officer Moreno was the one who had fired the shot.*

Sergeant Colomey was unsure of what had happened and told FID investigators, “And as the single gunshot went off, I saw the bodies that which was Isaac Moreno, Bruce Adam, and Greg Martin pull from the kitchen area back into more into the living room area, but still facing up at where we had removed the vent. They were all still standing staring up at that. My belief at that point, based on the actions by the officers of pulling out and looking up is I believe the suspect had fired one round. And because I could clearly tell it was a single round that went off. I asked the officers that were in front of me, the group, I said it - - which is also Steve Hernandez, is anyone hit? Everyone alright?”⁶¹

Sergeant Colomey continued, “They indicated to me they were all alright. I turned because I also knew the next greatest threat was up the stairs, because we had officers standing on that floor still watching the Osmo upstairs right by the eaves. I yelled up the - - up the stairs. I didn’t want to go up them just because the OIS had occurred downstairs. I yelled up to Officer Messenger, ‘Is everyone okay up there?’ I heard Officer Messenger go around, ask anyone if they had been hit, and the answer was no, everyone was okay. I reported this over the air. Told the lieutenant that the suspect had fired one round. And that all officers were okay. I think it was Officer Kelly Sandell who was on side four containment came out over the air and said, ‘I believe the round exited

⁵⁹ Officer Moreno’s 3rd statement, Page 5, Lines 12-19.

⁶⁰ Audio from Sergeant Colomey’s BWV.

⁶¹ Sergeants Colomey’s 2nd statement, Page 39, Line 13 to Page 40, Line 1.

*through side four.' He said, 'I believed there was a round that came out through side four.'"*⁶²

*Sergeant Colomey then said, "After that had just occurred, moments later, which I'm just standing right there - - when I say moments, I'm talking seconds, actually, Steve Hernandez leaned into me and say, 'Sarge' - - and said, 'Sarge, that was us.' I asked him what he meant when he said, 'That was us.' And he said, 'That was us that fired.' And I asked him, 'Who fired?' And he said, 'It was Officer Moreno fired one round.' I - - and then I - - that's when Officer Moreno was still giving cover to that - - still supplying lethal coverage to that area, which is what he was supposed to be doing. And without looking away, I asked him, 'Did the suspect fire?' And he told me, 'No.' Then he said he had fired. I said, 'Okay.'"*⁶³

*Officer Hernandez was also unsure what happened and told FID investigators, "When I heard the shot, I believed that the shot was aimed at us. That was my initial belief and so I put out - - I said, 'There's one shot fired. We have one shot fired inside.' At that point I started asking the guys over in the kitchen. I said, 'Hey, are you guys okay? Is anybody hit? Do we know where that round came from?' And, you know, we were just kind of going around the horn just making sure that everybody was okay. I know some guys were putting out some information, saying, hey, you know what, it sounded like that round came outside so he might be shooting outside towards us. And at that point, Tim Colomey came up to me and he asked me, he's like, 'Hey, so what do we got?' And I said, 'Well, we have one shot fired.' And he said, 'Did we shoot back?' And I said, 'I don't know.' So, at that point, I asked Isaac, I said, 'Hey, did we shoot back?' And he's like, 'Yeah. I was the one that fired.' And I said, 'Oh, okay.'"*⁶⁴

Sergeant Colomey and Officer Hernandez briefly discussed their next tactical plan and how to proceed, pending what Officer Moreno observed when he fired his weapon. Officer Hernandez advised Sergeant Colomey that he was concerned on proceeding with the original plan if Officer Moreno observed the suspect with a handgun. According to Officer Hernandez, *"Because that would definitely change the plan for us if we knew that the suspect was armed with a - - with a handgun upstairs or even a rifle."*⁶⁵

Following their discussion, Sergeant Colomey advised Officer Adam to take Officer Moreno's position inside the kitchen and have Officer Moreno exit the residence.

⁶² Sergeants Colomey's 2nd statement, Page 40, Lines 1-18.

⁶³ Sergeants Colomey's 2nd statement, Page 40, Line 19 to Page 41, Line 11.

⁶⁴ Officer Hernandez' 2nd statement, Page 27, Line 19 to Page 28, Line 11.

⁶⁵ Officer Hernandez' 2nd statement, Page 28, Lines 24-25 through Page 29, Lines 1-2.

According to Sergeant Colomey, he decided to obtain a partial Public Safety Statement (PSS) in order to determine the entry team's next tactical plan and whether he needed to pull his team out of the house and get them into armored vehicles. According to Sergeant Colomey, *"Due to exigent circumstances and tactics and officer safety, I needed to know this certain stuff."*⁶⁶

Sergeant Colomey and Officer Moreno exited the residence and met with Sergeant Porter. Sergeant Colomey then directed Sergeant Porter to obtain a partial PSS in the presence of Lieutenant Lopez.⁶⁷

Note: During a review of Sergeant Colomey's BWV and modified PSS, Officer Moreno advised him that he observed the suspect pop up and pick the insulation up. He further stated he observed a furtive movement and a hard object in the suspect's hand. According to Sergeant Colomey, he was not aware their BWV cameras were on.

OIG Note No. 6: *Sergeant Colomey asked Officer Moreno whether he had only seen a hand or had actually seen a gun. Officer Moreno again indicated that he saw a furtive movement and a hard object in the suspect's hand. Sergeant Colomey reiterated this by asking, "And a hard object in his hand?" Officer Moreno replied, "Yes, it and it was real quick."*⁶⁸

Note: According to Officer Moreno, when he was asked why he hadn't provided information specifically as it relates to Britton being armed with a gun, he stated, *"Correct; when I was giving my Public Safety Statement, prior to giving that statement, I had no - - in my head I was thinking that there were several facts that our team knew from the beginning until that immediate point. One of the facts is we all believed the suspect was armed because he told us he was armed with a pistol because he said he was going to shoot us with a 9 mil and with a rifle, and our entire tactical movement was based on him being armed."*

Two, is another fact of that was we all knew he was in the attic because we had an officer announce and it was declared over the radio that we have movement in the attic. And another fact was that he was contained in that attic. Another fact is that everybody knew it was me who shot during the OIS and that was declared over the radio. And another fact was after the shooting, I had pointed with my left hand and said there was movement and I'm pointing towards the four-side of the attic at the time

⁶⁶ Sergeants Colomey's 2nd statement, Page 4, Lines 17-18.

⁶⁷ Sergeant Colomey and Officer Moreno's BWV were activated during the modified PSS.

⁶⁸ Sergeant Colomey's BWV, 05:09:59Z - 05:10:38Z

which is the sign that we give within our platoon indicating the suspects at the four-side and that he was still active.

*When giving my Public Safety Statement and like I had indicated before I yelled, "Gun," I believe and remember that I yelled, "Gun," at that time so ultimately I felt that everyone who was at scene who additionally was Sergeant Colomey was to my right the entire time, and he had several facts prior to giving my Public Safety Statement. So when I was giving my Public Safety Statement at that time, there was a couple things that were occurring: We were still on camera and a part of me felt we shouldn't be on camera, that we should be off but I'm given an order by a supervisor to give information."*⁶⁹

*According to Officer Moreno, "I felt that there was very minimal information that needed to come out at that time. That I didn't have to go into detail because we all knew he was still in the attic; he was still active."*⁷⁰

OIG Note No. 7: *Some of the information contained in the above statements made by Officer Moreno was not supported by the investigation.*

*While the SWAT officers were concerned that the suspect might possibly be armed, they did not all believe that he was, as is evident by Sergeant Colomey's concerns about whether Officer Moreno had actually seen the suspect with a firearm. Sergeant Colomey stated, "But I still did not know if I had an armed suspect with a gun, and that all that was protected on my officers was a thin, you know, quarter-inch ceiling that easily could be fired through with no protection. So, when I exited that location, my goal with Isaac was just to get enough information to know that I need to pull out my entire team out of that house and get into armored vehicles. And the tactics would be completely different. We would start dismantling that house through the use of armor because of the position that suspect was in threatened us."*⁷¹

Additionally, enhancement of the BWV evidence in this investigation demonstrated that Officer Moreno's recollection that he had yelled "gun" at the time of the OIS was inaccurate. Officer Martin was the only officer on scene who thought that he might have heard someone shout "gun", but that assertion was not supported by the available BWV evidence or by the statements of the other officers on scene.

⁶⁹ Officer Moreno's 3rd statement, Page 8, Lines 13-25 through Page 9, Lines 1-20/24-25, through Page 10, Lines 1-2.

⁷⁰ Officer Moreno's 3rd statement, Page 9, Lines 24-25, Page 10, Lines 1-2.

⁷¹ Sergeant Colomey's 3rd statement, Page 22, Lines 5-16.

While outside the residence, Sergeant Colomey conferred with Lieutenant Lopez about the tactical plan and his intention to remove Officer Moreno from the tactical situation to have him monitored since he was involved in an OIS.⁷² Sergeant Curry then obtained a PSS and admonished/assumed monitoring responsibility of Officer Moreno from Sergeant Colomey.

After handing Officer Moreno off to Sergeant Curry, Sergeant Colomey returned inside the residence and briefed Officer Hernandez regarding Officer Moreno's observations during the OIS. According to Sergeant Colomey, he believed the information was critical to feel safe enough to continue in a very dangerous situation. According to Officer Hernandez, *"So, when he came back in he mentioned - - he didn't mention anything specific to seeing a gun specifically so we continued on with the same plan."*⁷³ Sergeant Colomey and Officer Hernandez further discussed their tactical options beyond their original plan. At 2215 hours, Sergeant Colomey exited the residence to consult with Lieutenant Lopez and Sergeant Porter regarding tactics.

Note: During a review of Sergeant Colomey's BWV, FID Investigators identified his BWV was turned off prior to the tactics discussion with Lieutenant Lopez and Sergeant Porter. According to Sergeant Colomey, *"And at that time, we acknowledged that we're turning off the video due to a tactical discussion. And I did turn it off."*⁷⁴ Sergeant Colomey turned his BWV back on at approximately 2259 hours.

After Sergeant Colomey exited the residence, Officer Hernandez exited to meet with him and Sergeant Porter. Another discussion regarding the tactical plan and the use of the K-9 was discussed. During their conversation, Sergeant Porter inquired if they smelled smoke and if their BWV's were off since they were discussing tactics. At that time, Officer Hernandez turned off his BWV. According to Officer Hernandez, *"Yes. So we were told when we were - - anytime we're discussing tactics that we were allowed to turn off our cameras per - - per CTSOB so that we can discuss our tactics and they wouldn't be out there for people to know exactly what we're going to do because we do use special tactics."*⁷⁵

Note: Officer Hernandez' BWV remained off for the remainder of the incident. According to Officer Hernandez, *"I think at that point that's when my body cam video ended and I don't believe I turned it back on after from that point."*⁷⁶

⁷² Officer Perez took Officer Moreno's position after the OIS.

⁷³ Officer Hernandez' 2nd statement, Page 29, Lines 2-4.

⁷⁴ Sergeants Colomey's 2nd statement, Page 79, Lines 7-9.

⁷⁵ Officer Hernandez' 3rd statement, Page 14, Line 25 through Page 15, Lines 1-5.

⁷⁶ Officer Hernandez' 2nd statement, Page 29, Lines 12-14.

*According to Officer Hernandez, "After the discussion was completed, I turned and went back inside the house. I had a lot of things going on in my mind exactly what I needed to do next, what my next steps were, so I forgot to turn my camera back on. They're fairly new to us and we don't - - we only use them when we're deployed in SWAT incidents, so they're fairly new and I completely forgot to turn it back on once I went back inside the house."*⁷⁷

At approximately 2230 hours, Sergeant Porter broadcast that he observed smoke emitting from the upper level. According to Sergeant Porter, he saw an increase of smoke billowing from the roof line and second story vents. At approximately 2232 hours, Officer Martin still utilizing the thermal imaging device, broadcast he observed smoldering in the eaves and the heat source was expanding.

At approximately 2230:50 hours, Lieutenant Lopez broadcast on the SWAT frequency to SWAT supervisors and personnel that the situation was still tactical, and the suspect remained outstanding. He admonished them and advised them not to discuss the incident until interviewed by FID.

Sergeant Colomey returned inside the residence to move forward with the tactical plan and ascertain the area of the smoke. At 2235 hours, at the direction of Sergeant Colomey, Officer Adam cut a hole in the kitchen ceiling while Officer Martin was designated as the DCO. Once the hole was made in the ceiling, a high intensity light was utilized to illuminate the opening. Sergeant Colomey ordered Britton to exit; however, no response was heard. At 2249 hours, Officer Peery's BWV captured him utilize a mirror affixed to a pole to view inside the opening, while Officer Martin acted as the DCO. The officers did not see or hear Britton.

At 2254 hours, Sergeant Porter broadcast the smoke was growing and the need to implement the fire plan. A brief discussion between Lieutenant Lopez and Sergeants Porter and Colomey occurred regarding the fire plan. The decision was made to utilize a fire extinguisher to stop the smoldering, followed by sending the TEMS firefighters inside with a fire hose in the event the fire extinguisher did not work. After efforts were made with the fire extinguisher to stop the smoldering, Lieutenant Lopez obtained approval from the IC to send the TEMS firefighters inside with a fire hose to extinguish the smoldering. At 2307 hours, TEMS FF/PM Contreras entered the kitchen, inserted the fire hose into the openings in the ceiling and applied water. After using the fire hose on the smoldering, the smoke and fire was prevented from growing any further (Investigators' Note No. 3) (Addendum No. 5).

At approximately 2308 hours, the tactical plan moved back to the second floor where a K-9 would be deployed at the opening where Officer Burroughs had last seen movement attributed to Britton. Officer Mike Peters, Serial No. 30256, along with K-9

⁷⁷ Officer Hernandez' 3rd statement, Page 15, Lines 8-15.

Storm, Serial No. K9324, moved to the second floor where the approved plan was to conduct a search utilizing K-9 Storm off leash in the attic area to locate Britton.⁷⁸ At 2313 hours, K-9 Storm entered the attic opening while Officers Burroughs and Peters were deployed as the DCO's. Moments later, K-9 Storm was electrocuted by an exposed live wire inside the attic causing him to collapse. Officer Peters immediately recalled K-9 Storm who crawled toward him approximately 20 seconds later and exited the attic. According to Officer Peters, he believed Storm had injuries to his hind legs. Officer Peters exited the residence with K-9 Storm and transported him to an emergency veterinarian hospital where he was examined and released without any visible or long term injuries.

Following the incident with K-9 Storm, Sergeant Porter requested the power to be shut off to the residence before proceeding with any further tactics.

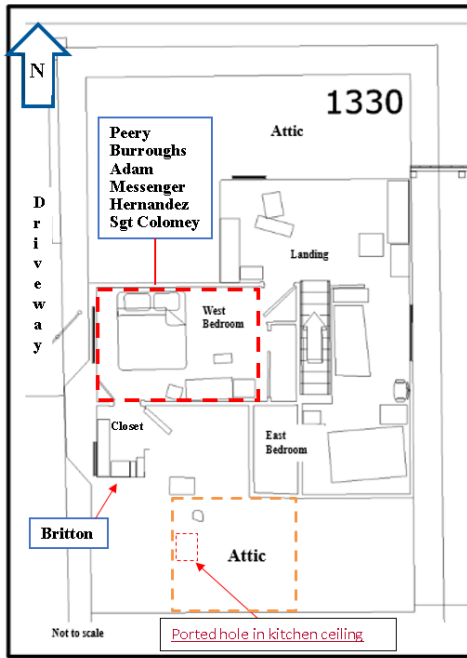
Sergeant Colomey developed the next phase of tactics to continue "porting" holes in the kitchen ceiling as well as the walls on the second floor in an effort to locate Britton.⁷⁹ Officer Martin was positioned on the first floor covering the kitchen ceiling opening as the DCO, along with Officer Perez who was positioned at the kitchen doorway. Meanwhile Officers Hernandez, Peery, Burroughs, Messenger, Adam and Sergeant Colomey were on the second floor. Officer Peery utilized a fireman's pole to port holes in the bedroom wall while Officer Adam was acting as the DCO. Officer Peery inserted an eyeball camera into the attic, cleared the immediate area and was unsuccessful in locating Britton. Officer Peery then moved into the closet area where Officer Burroughs initially observed insulation thrown over the eyeball camera and ported a hole in the wall adjacent to the existing opening. According to Officer Peery, once he created the opening, he felt some resistance on the fireman's pole and observed Britton move away from the opening. Simultaneously, Officer Adam began to yell commands at Britton to show his hands; however, Britton did not comply.

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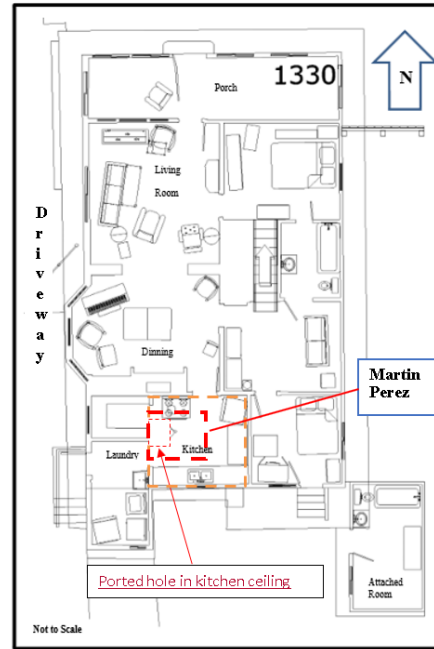
⁷⁸ Off leash is a tactic utilized by K-9 handlers where the K-9 is searching off leash in a confined space and within sight of the handler.

⁷⁹ "Porting"- The act of opening up walls or ceilings by making or cutting holes, in an effort to aide with a specific task or mission.

Officer positions



(1330 West 48th Street Second Floor)



(1330 West 48th Street First Floor)



Photograph captured from Officer Adam's BWV

Officer Messenger directed Officer Peery to deploy a less-lethal weapon on the opening along with Officer Adam. Officer Peery repositioned himself next to Officer Adam with the 40 mm LLL. Simultaneously, Officer Ng was positioned as the DCO covering the wall opening inside the west bedroom. Officer Messenger then conducted multiple

announcements to Britton, stating they were from the Los Angeles Police Department and advised him to put down all weapons and exit the attic. Officer Ng advised Officer Messenger that it appeared Britton was holding a large towel in his right hand and his left hand was clear. Officer Messenger again ordered Britton to exit the attic, put down any weapons, and to show them his hands. Britton did not reply.

At approximately 2346 Officer Perez observed Britton in the attic eaves above the kitchen ceiling. Officer Perez yelled commands for Britton to show his hands and advised Officer Martin of Britton's location. Officer Perez also broadcast Britton's movement to the officers. As this occurred, the officers on the second floor continued to observe Britton move in and out of their view. At that time, Officers Perez and Martin formulated a plan to utilize a mirror to obtain a visual on Britton. Officer Perez inserted the mirror into the eaves and simultaneously illuminated the area with his flashlight. Officer Perez observed Britton attempting to hide by placing insulation over his head. Britton began moving throughout the attic at which time he came in and out of their view. Officer Martin requested an additional officer respond to the kitchen area, at which time Officers Pultz, and Gonzalez responded. Officer Perez then observed Britton momentarily move to the north side of the attic and back toward their location. Officer Perez' BWV captured Britton come back to the eaves above them and Officer Martin ordering Britton to show his hands. According to Officer Perez, Britton attempted to take the mirror away from him and pull it into the attic.

Note: Officer Ng's BWV depicts Britton wearing a blue shirt, moving around in the attic eaves just prior to the 40mm LLL deployment by officers Peery and Martin.

According to Officer Martin, he believed Britton tried to take the mirror away from Officer Perez and utilize the handle to strike him. Officer Martin placed his 40mm LLL in a high ready position, with the muzzle pointed toward the kitchen ceiling opening. Meanwhile Officer Pultz acted as his DCO and Officer Perez maintained the mirror in an upright position. At 2352:55 hours, Officer Martin's BWV captured him firing one 40mm Foam round from a standing position toward Britton with the 40mm LLL.⁸⁰

According to Officer Martin, *"The suspect then comes back. They announce he's coming back. As he's reaching out, and the best of my recollection, he had one hand, if not two, on the mirror. His abdomen was exposed to the opening that was cut in the ceiling. In order to prevent him from arming himself with the mirror, which has a long stiff handle that's attached to it that can be used just like any stick or pole against our guys on the second floor, as well as down on the first floor, I immediately fire one round of the 40 to his - - aimed at his abdomen area. I believe it struck him in that area, because the suspect let out a - - like grimace - - like an (untranslatable sound) and then went out of sight to the two side."*⁸¹

⁸⁰ Officer Martin, 21 years, nine months with the Department, 44 years of age, 6 feet tall, 205 pounds.

⁸¹ Officer Martin's' 2nd statement, Page 26, Lines 17-25 through Page 27, Lines 1-3.

Note: Officer Martin did not provide UOF warning to Britton prior to firing the 40mm LLL. According to Officer Martin, he asked Britton's to show his hands before he fired the 40mm LLL. According to Officer Martin, *"It - - his - - he was already reaching out and grabbing the mirror and I did not have time to do so."*⁸²

According to Sergeant Colomey, he believed Officer Martin discharged a TASER from the first floor, *"And they have a TASER activation downstairs trying to stop him from ripping the mirror out of his hand. And that was Greg Martin downstairs that got into that use of force."*⁸³

Officer Perez broadcast that a 40mm round was fired and Britton was coming toward the hole in the kitchen. During a review of Officer Martin's BWV, Britton is heard yelling for the officers to shut up and get out of there. Britton then moved away from the kitchen opening, out of their view.

Almost Simultaneously, Officer Peery who maintained his position on the second floor near the west side of the attic opening, observed Britton's actions. According to Officer Peery, he observed Britton trying to grab the mirror from the officer on the first floor. At 2352:57 hours, Officer Peery's BWV captured him firing one 40mm Foam round from a standing position toward Britton's upper/middle torso as he was inside the attic with the 40mm LLL.⁸⁴

According to Officer Peery, *"At this point I have a clear view of the suspect, and he's definitely grabbing at the mirror and trying to either pull the mirror up to himself or shove it back down, but he's kind of aggressively fighting with the officers down below who are using the mirror."*⁸⁵

*"He didn't seem to be affected by it, but he did stop fighting with the mirror and, again, retreated to the left side of the attic."*⁸⁶

Note: Officer Peery did not provide a UOF warning to Britton prior to firing the 40mm LLL. According to Officer Peery, *"But there wasn't time to give a warning. And he wouldn't have - - in my - - from my perspective, even responded to it just because of all that was going on at the time. So I had*

⁸² Officer Martin's 2nd statement, Page 48, Lines 15-16.

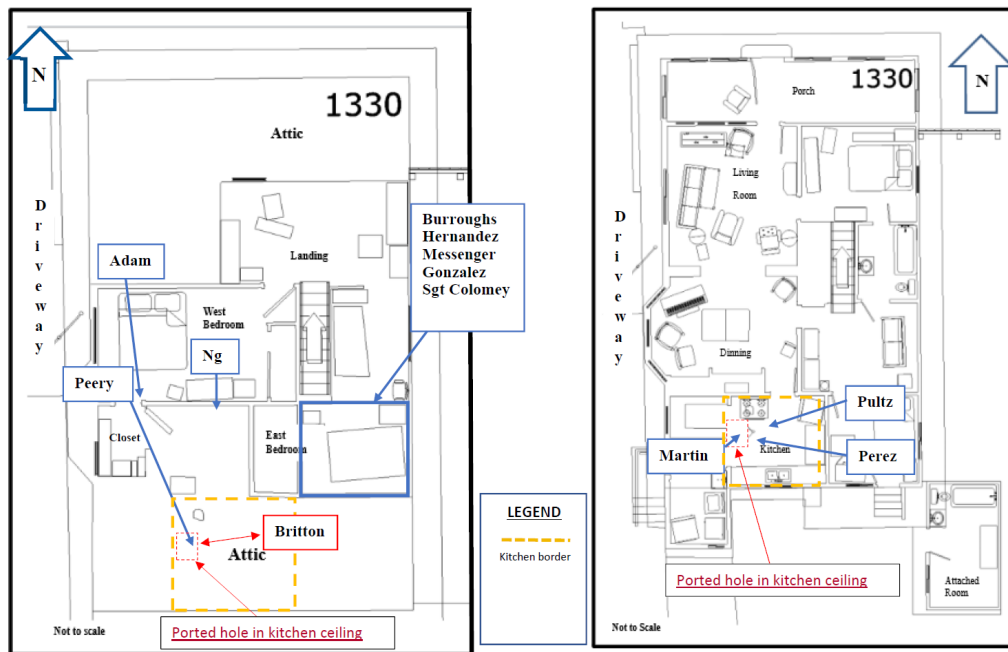
⁸³ Sergeant Colomey's 2nd statement, Page 53, Lines 20-23.

⁸⁴ Officer Peery, 8 years, nine months with the Department, 37 years of age, 5 feet 8 inches tall, 170 pounds.

⁸⁵ Officer Peery's 1st statement, Page 33, Lines 18-22.

⁸⁶ Officer Peery's 1st statement, Page 34, Lines 7-9.

a narrow window of opportunity and a narrow view of the suspect as well and only what I perceived as a brief moment to act.”⁸⁷



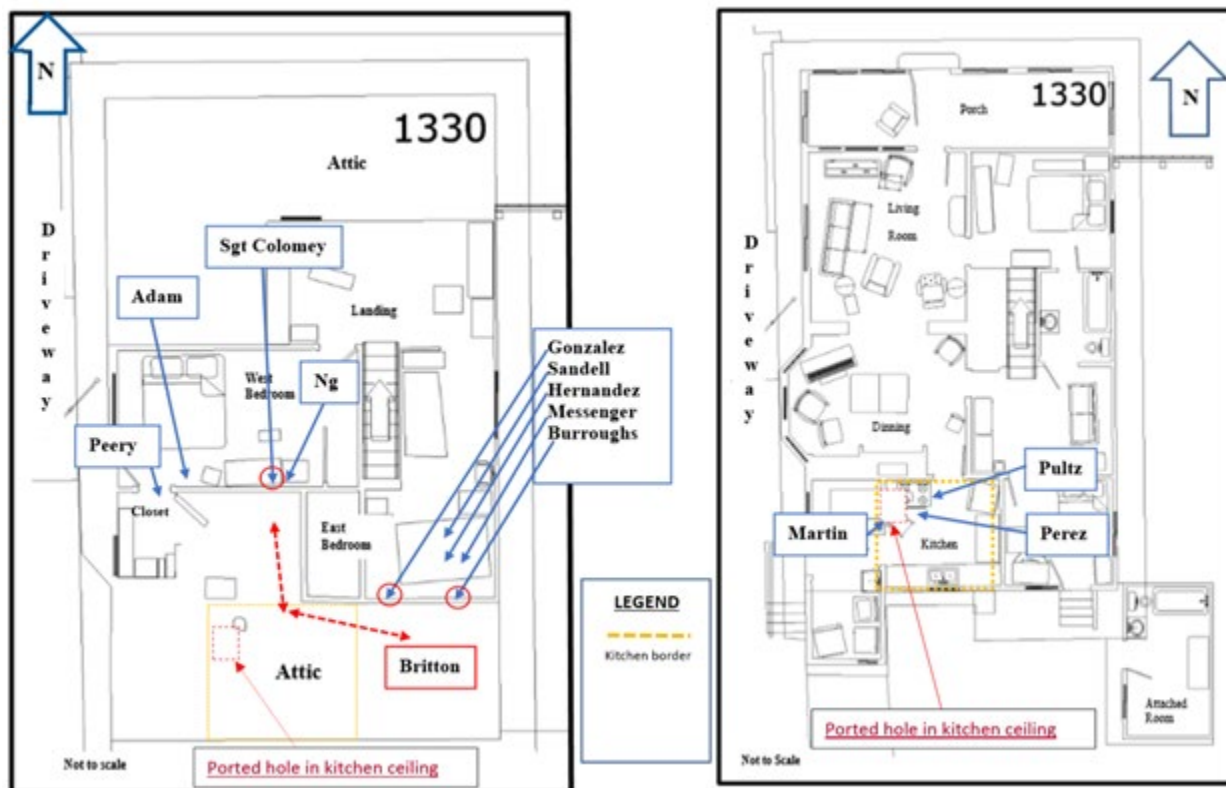
40MM LLL Deployment Positions Diagram)

At 2352 hours, Officer Burroughs entered the east bedroom to assist Officer Hernandez who was deployed as the DCO, covering the access point to the attic on the south wall of the bedroom. Officer Burroughs' BWV captured him utilizing a fireman's pole to remove a piece of drywall covering the wall, which lead to the attic. After making a hole in the drywall, Britton was visible to officers through the opening. Officers Messenger and Burroughs began to yell commands at Britton to show his hands. Officer Burroughs then requested a TASER or 40mm, while Officer Messenger continued to verbalize with Britton. Britton continued to ignore their commands to exit the attic and moved out of the officers' view.

Approximately one minute later, Britton was again visible through the opening. Britton began to throw insulation at the officers through the opening and refused to comply with their commands. Officer Sandell then utilized the fireman's pole and began porting holes in the south wall of the east bedroom wall to prevent Britton from having any further concealment and cover. According to Officer Sandell, as he was creating the holes, he felt some resistance on the pole and believed Britton had grabbed it. Officer Sandell was able to maintain his grip and continued porting openings in the wall.⁸⁸

⁸⁷ Officer Peery's 1st statement, Page 41, Lines 3-9.

⁸⁸ Officer Sandell's statement, Page 31, Lines 2-6.



TASER Deployment Positions

At approximately 2354:18 hours, Officer Burroughs' BWV captured him deploying a TASER inside the east bedroom. He was positioned north of the bed, facing south.⁸⁹ Officer Burroughs discharged the TASER in "Probe Mode" through the wall opening.⁹⁰ According to Officer Burroughs, the opening was big enough for him to deploy the TASER and obtain an effective activation, but Britton continued throwing insulation at them. As Britton was attempting to move west in the attic, the left side of his body was exposed to Officer Burroughs.

According to Officer Burroughs, *"So at one point he turns to go back the other direction, and I ended up tasing him - - I believe it was on his - - I want to say it was his - - on his left side. So I had basically his left flank shoulder to his hip, so I aimed right in between those. Had a connection, could hear him screaming, so I knew I had contact."*⁹¹

According to Officer Burroughs, Britton kept fighting through the TASER activation and was moving and screaming. Officer Burroughs believed the TASER deployment

⁸⁹ Officer Burroughs, 11 years, five months with the Department, 37 years of age, 6 feet 3 inches tall, 220 pounds.

⁹⁰ "Probe Mode" utilizes the TASER cartridge while attached to the TASER unit. Firing the two probes attached to wires making contact with the suspect which could cause neuro-muscular incapacitation.

⁹¹ Officer Burroughs' 1st statement, Page 26, Lines 6-12.

continuously slowed Britton down, but did not stop him. According to Officer Burroughs, *"He was throwing insulation at me, as you can see in the video. So at the point, I determined that I needed to tase him to protect my fellow officers and, you know, just based on him running back and forth out of sight. Once the initial activation occurred, I assessed after every activation after that. That gave us time to slow him down."*⁹²

According to Officer Burroughs, *"But I deployed the TASER as much as I thought necessary just due to the fact that it was having very little effect on him."*⁹³ According to Officer Burroughs, he assessed between every deployment and observed the TASER slowed Britton down, but not to the point where it was safe to go hands on. According to Officer Burroughs, *"And each layer slowed him down a little bit more. Even though I tased him, the TASER did not have the desired effect. It didn't lock him up. It slowed him down but he was still fighting through it, and that's why layers of TASERs were used to the point where we could - - let me back up. So each - - each time I tased him was an assessment because he was still moving. He was still moving back and forth. He did not go down right in front of me."*⁹⁴

According to Officer Burroughs, *"I didn't want to lose sight of him. I wanted to basically have some sort of - - control his movement, whether it be slow or to incapacitate him, which a TASER 3 is supposed to do. It didn't fully do that. It slowed him down by means that my teammates were able to employ other less lethal on him to slow him down to the point to where we could go hands on with him. During that time, I was assessing between every single activation to the point to where we could go up and use another option which was going hands on, which that was kind of where we were at. We didn't have another option at that point. We had exhausted our inventory."*⁹⁵

According to Officer Burroughs' BWV, as he discharged the TASER, Officer Gonzalez was positioned west of him and deployed an additional TASER.

Note: Officer Burroughs did not provide UOF warning to Britton prior to discharging the TASER. According to Officer Burroughs, *"Not me personally but a Garner warning was given at multiple points throughout this call up. Before we went tactical, once CNT was exhausted, before gas was put into the house, before we made entry, Garner warnings were given via supervisor. I couldn't tell you which supervisor was there that gave that. Basically, that means going to be used against him that might be a discomfort - - discomforting, and it might cause him serious bodily injury, and we didn't want to see him get hurt, so..."*⁹⁶

⁹² Officer Burroughs' 2nd statement, Page 6, Lines 2-8.

⁹³ Officer Burroughs' 1st statement, Page 51, Lines 23-25.

⁹⁴ Officer Burroughs' 2nd statement, Page 6, Lines 11-20.

⁹⁵ Officer Burroughs' 2nd statement, Page 6, Line 25 through Page 7, Lines 1-12.

⁹⁶ Officer Burroughs' 2nd statement, Page 7, Lines 24-25 through Page 8, Lines 1-5, and Lines 9-12.

According to Sergeant Colomey's BWV, at 23:53:46 hours, he requested a TASER while deployed near the bedroom door of the west bedroom on the second floor. According to Sergeant Colomey, Officer Ng was positioned as lethal coverage at the port hole in the west bedroom along with Officer Adam who was providing lethal coverage at the opening into the eaves. According to Sergeant Colomey, *"I was the only other officer in that room, a supervisor at the time. As I stepped in they said, we need a TASER. We need a TASER. I yelled, Get me a TASER over here. No officer could leave. They were all involved in the use of force and what was going on. The other side I yelled to Bruce, you have a TASER? He said yes. He tossed me the TASER. I caught it, went to where lethal coverage was which is Howard, which is a port in the door and I was the TASER officer at that point."*⁹⁷

Officer Messenger's BWV captured him broadcast to hold the air, and advise they had a TASER deployment, Britton was down, and moving to the right (west) side. As Britton moved to the west side of the attic, Officer Ng was positioned outside an opening in the wall of the west bedroom as the DCO along with Sergeant Colomey who was deployed with a TASER.⁹⁸ At 2355:03 hours, Sergeant Colomey's BWV captured him discharge a TASER in probe mode as he was inside the attic on the west side toward Britton's center body mass, where Britton's hands were holding the insulation.⁹⁹ Sergeant Colomey told Britton to get up and exit. He advised him he did not want to hurt him. At that moment, Britton began to throw insulation at them through the opening and crawled back toward the east side of the attic. According to Sergeant Colomey, *"I turned back into the room, and where Howard Ng and Bruce Adam, and in order to - - suspect is advancing on them. In order to decrease, or to stop the use of deadly force, I have Bruce toss me his TASER. Bruce gets it to me. I go to the TASER to the port where Officer Ng has the lethal coverage. And I implement the TASER darts at the suspect. And it has the desired effect that it does cause him to, you know, go down, but he doesn't stop."*¹⁰⁰

According to Sergeant Colomey, *"And I could actually look through the port that Howard Ng was covering lethal coverage, and I saw the suspect coming towards Howard. You couldn't see his hands. He had like insulation in him. And I felt that we could have an OIS based on the actions of the suspect. And what he was yelling was still was, 'I'll kill you. Get the fuck out of here.'" And then for that reason, in order to stop what I thought a potential OIS, tried to de-escalate the situation, I activated the TASER, and it did have the desired effect."*¹⁰¹

⁹⁷ Sergeant Colomey's 1st statement, Page 12, Lines 19-25 through Page 13, Lines 1-4.

⁹⁸ Sergeant Colomey, 23 years, 11 months with the Department, 50 years of age, 6 feet 2 inches tall, 180 pounds.

⁹⁹ Sergeant Colomey utilized Officer Adam's TASER during the incident.

¹⁰⁰ Sergeant Colomey's 2nd statement, Page 53, Lines 24-25 through Page 54, Lines 1-7.

¹⁰¹ Sergeant Colomey's 3rd statement, Page 10, Lines 18-25, and Page 11, Lines 5-8.

Note: Sergeant Colomey did not provide a UOF warning to Britton prior to discharging the TASER. According to Sergeant Colomey, *“No, I did not give the warning as then because he was charging towards it and really was to me. Prior to that, I gave the Garner warning where I announce - - I did it two separate times that time. I announced that force was going to be used. The force that was going to be used could cause severe injury to him or even death. I gave him the chance to surrender.”*¹⁰²

According to Sergeant Colomey, *“I reactivated the TASER. Again, I - - I’m giving him commands, multiple commands to stop, put his hands down. I told him I didn’t want to hurt him. I told him I needed him to lay down.”*¹⁰³

Sergeant Colomey observed Britton “rocking” back and forth between the two teams and heard a TASER activation from the other side. Sergeant Colomey also stated, *“And I was trying to remove myself from the, you know, the use of force. But I made a determination that that side should be the resting group on the other side. So as the suspect then tries to pull back into a side I hit the TASER again, trying to keep him on side two, force him down. It is forcing him to the ground.”*¹⁰⁴

According to Sergeant Colomey he, assessed each of the TASER activations, *“And that’s - - so each time I was activating, I was absolutely assessing it, and my goal was to get him to move to the other side. I was giving him commands each and every single time to stop resisting, move over to the officers, and he clearly was not going to do that. So each time, each - - each one of those activations was assessed, and it was a goal in mind for each time I was doing it.”*¹⁰⁵

Note: During Sergeant Colomey’s interview with FID Investigators, he indicated his TASER was discharged three times. Officer Adam’s TASER activation report indicated that Sergeant Colomey activated the TASER nine separate times, within one minute, 29 seconds. The TASER report time stamp indicated the TASER was activated on August 20, 2019, at 00:09:47 Universal Time Coordinated (UTC). According to Sergeant Colomey’s BWV his TASER activations were between 2355:03 and 2356:32 hours.

At 2355 hours, Officer Burroughs BWV captured him verbalize that Britton’s hands were clear. Meanwhile, inside the east bedroom, Officer Messenger was positioned north of

¹⁰² Sergeant Colomey’s 3rd statement, Page 19, Lines 20-25.

¹⁰³ Sergeant Colomey’s 2nd statement, Page 54, Lines 11-14.

¹⁰⁴ Sergeant Colomey’s 2nd statement, Page 54, Lines 22-25 through Page 55, Lines 1-4.

¹⁰⁵ Sergeant Colomey’s 3rd statement, Page 13, Lines 2-9.

Officers Gonzalez and Burroughs when his BWV captured Officer Gonzalez deploy a TASER.¹⁰⁶

According to Officer Gonzalez, he observed Officer Burroughs discharge the TASER and heard Britton scream, yet continue to move back and forth. Officer Gonzalez did not see Britton stop. Officer Gonzalez reached through the same opening of the wall Officer Burroughs utilized and aimed the TASER at the top portion of Britton's chest while he was in a crawl position and discharged his TASER in probe mode.¹⁰⁷ Officer Gonzalez was positioned on the opposite side of the wall, approximately five to ten feet away from Britton.

According to Officer Gonzalez, *"He's not following any commands whatsoever and he's moving slower but he's still moving and I can't see his hands or nobody has any visual of his hands. And with the belief that he still may be armed no confirmation that he - - that he no longer has a weapon and he's not listening to our commands and he hasn't stopped at that point I utilize a TASER that was in possession of Kelly Sandal. Used his TASER and I tased the suspect to - - to stop his actions."*¹⁰⁸

*"I assessed. There's assessment that's made. He continues to me it appears that he's going to go kind of revive himself and continue to move and I continue to press the TASER about three additional times."*¹⁰⁹

*"With that being said, when I deploy the - - deploy the TASER, it didn't have the desired effect. There wasn't neuromuscular incapacitation. The suspect did not stop moving. And it raised to a level where I believed a secondary tasing would be effective to stop his actions. In between every single tasing, there was a momentary pause, and I assessed the suspect's actions. I continued to give commands as he continued to move and did not stop his actions. I continued to tase the suspect to gain compliance."*¹¹⁰

*"Mind you, I'm fully geared up with 40 pounds of gear. We're carrying things like robots and cameras, things that were going to assist us in the operation, so that's the only tool I had available when it came to less lethal options. With that being said, in order to effect the arrest, I wanted to stop his actions, stop him from moving, confirm that he didn't have a weapon to allow the arrest team to move to the appointed area and actually put handcuffs on the suspect to take him into custody."*¹¹¹

¹⁰⁶ Officer Gonzalez, 15 years, nine months with the Department, 40 years of age, 5 feet 7 inches tall, 155 pounds.

¹⁰⁷ Officer Gonzalez utilized Officer Sandell's TASER during the incident.

¹⁰⁸ Officer Gonzalez' 1st statement, Page 37, Lines 19-25 through Page 38, Lines 1-3.

¹⁰⁹ Officer Gonzalez' 1st statement, Page 38, Lines 21-24.

¹¹⁰ Officer Gonzalez' 2nd statement, Page 5, Lines 8-18.

¹¹¹ Officer Gonzalez' 2nd statement Page 6, Lines 24-25 through Page 7, Lines 1-8.

Note: Officer Gonzalez did not provide UOF warning to Britton prior to discharging the TASER. According to Officer Gonzalez, *“There was - - me personally, I did not. There was some warnings that were given by the team leader and I think he actually says, hey, nobody wants to hurt you, just come out and listen to our commands but as far as a warning, no.”*¹¹²

Officer Gonzalez’ BWV was not activated during the time he discharged the TASER. A review of his BWV indicated it was activated from 1714 to 2114 hours. According to Officer Gonzalez the BWV camera issued to him was being repaired, therefore he was issued a loaner camera for the incident. At the conclusion of the incident, he discovered his BWV had turned off and the battery was drained. According to Officer Gonzalez, *“The camera was never turned off on my behalf. I was completely unaware it actually shut off.”*¹¹³

*“That camera, from my belief, was coming from a charged environment, coming from the charging bank. I put it on and push record at the initiation of the incident. And by the time the thing was over, I realized that it had lost all power.”*¹¹⁴

Note: Investigators conducted an audit trail on the BWV Officer Gonzalez was assigned for this incident. The audit trail determined that the BWV camera that Officer Gonzalez was provided for this incident had a battery life of 55% remaining upon his initial activation. At 2335:06 hours, Officer Gonzalez’ BWV powered off with 1% battery life remaining, without his knowledge.

At 2355:30 hours, Officer Messenger’s BWV captured Britton lying on his back inside the attic near the opening of the east bedroom. At that moment, Officer Hernandez stepped inside the attic followed by Officer Messenger in an effort to take Britton into custody. As Officer Hernandez was attempting to grab Britton’s arms, he began swinging and flailing his arms.¹¹⁵ Officer Hernandez kicked Britton’s right shoulder with his left leg to stop him from swinging his arms.

According to Officer Hernandez, *“I reach out to grab his hands and he takes a swing at me like a - - like a full swing punch towards me. I backed up and I was kind of in a crouched position because it was an attic crawl space but I gave him a front kick to kind of like his - - like abdomen area to keep him back away from me because it looked like he was going to try to kind of swing and come in my direction. Once I gave him the - - the front kick he kind of backed up and I see him kind of pull his hands back away from*

¹¹² Officer Gonzalez’ 1st statement, Page 41, Lines 3-9.

¹¹³ Officer Gonzalez’ 1st statement, Page 49, Lines 11-12.

¹¹⁴ Officer Gonzalez’ 2nd statement Page 8, Lines 24-25 through Page 9, Lines 1-4.

¹¹⁵ Officer Hernandez, 21 years with the Department, 44 years of age, 5 feet 9 inches tall, 175 pounds.

*me at which point once again I tried to reach out. I grab one of his hands and I'm able to get my hands on his hands at this point but now he pulls my hands while I'm holding onto his hands up towards his mouth and he's - - he tries to bite me."*¹¹⁶

Note: According to Officer Hernandez he targeted Britton's abdomen area and believed he utilized his right leg to kick him.

Officer Hernandez did not provide a UOF warning to Britton prior to kicking him. Officer Hernandez indicated during his FID interview that a warning was given to Britton during CNT efforts that tactics could be used that could potentially hurt him.

Officer Hernandez then grabbed Britton's left wrist with both of his hands. He repositioned his hands where his right hand was holding Britton's left elbow and his left hand was holding his right wrist. Meanwhile, Officer Messenger grabbed Britton's right bicep and attempted to place it behind his back and handcuff him.¹¹⁷ As this occurred, Britton attempted to lift his body up from the ground while swinging his arms. According to Officer Messenger, *"Just as I get in, I can see the suspect kind of throwing a right hand towards Officer Hernandez, and I saw Officer Hernandez' leg come out in front of me to try to block that. And I just simply moved up, grabbed his - - grabbed his right arm. Once I got his right arm - - yeah, right - - right arm parallel with his body, I was trying to get a good wrist lock on him with finger flex, and he was just keeping his - - his right hand just clenched tight."*¹¹⁸

Note: Officer Messenger indicated during his FID interview that he utilized the front of his right shoulder and placed it on the back of Britton's right shoulder. Officer Messenger did not provide a UOF warning to Britton prior to utilizing his body weight. According to Officer Messenger, *"Several warnings were given to him that - - that after CNT, we were going to implement tactics that he could be injured."*¹¹⁹

At 2355:47 hours, Officer Peery's BWV captured him deployed with a TASER at the attic access opening off the west bedroom along with Officer Adam who was positioned as the DCO with his rifle deployed in a low-ready position. At that time, Officer Adam entered the attic and stepped to the east side of the attic and had a line of sight on the officers and Britton. Officer Peery entered behind him and moved to the south side of the attic and discharged his TASER in probe mode toward Britton's lower mid-section as he rose up to a seated position.

¹¹⁶ Officer Hernandez' 2nd statement, Page 36, Lines 15-25 through Page 37, Lines 1-4.

¹¹⁷ Officer Messenger, 26 years, three months with the Department, 50 years of age, 5 feet 10 inches tall, 205 pounds.

¹¹⁸ Officer Messenger's statement, Page 21, Lines 21-25 through Page 22, Line 1, and Page 22, Lines 3-7.

¹¹⁹ Officer Messenger's statement, Page 9, Lines 14-16.

According to Officer Peery, *“And I only decided to deploy my TASER when officers actually made contact - - or attempted to make contact with the suspect and he started swinging at them.”*¹²⁰ According to Officer Peery, *“The first activation, my assessment was based on the suspect’s behavior. He was actively fighting officers who were trying to make contact with him in a confined space in the attic. I had heard prior TASER activations and knew that he had been, or that attempted had been made to tase him. And my assessment was that they were not entirely effective. He was still able to swing and fight as officers made contact with him.”*¹²¹

Officer Peery heard other TASER’s being discharged on the left side of the attic and didn’t want to use the TASER if the others were being effective. According to Officer Peery, *“But as he started swinging at the officers, who were trying to handcuff him, it became clear to me in that moment that the TASERs being used weren’t entirely effective and I believe mine might have - - might have been. Because I had a clear view, so I deployed my TASER without a verbal warning.”*¹²²

Note: Officer Peery did not provide a UOF warning to Britton prior to discharging the TASER. According to Officer Peery, *“So I didn’t think it would be effective or even appropriate for me to necessarily verbalize at that time, because officers were giving warnings to the suspect.”*¹²³

During Officer Peery’s interview with FID Investigators, he indicated his TASER was discharged approximately four or five times. Officer Peery’s TASER activation report indicated he activated the TASER three separate times, within 29 seconds. The TASER report time stamp indicated the TASER was activated at 23:58:36 UTC. According to Officer Peery’s BWV his TASER activations were between 23:55:47 and 23:56:16 hours.

Immediately afterwards, Officers Hernandez and Messenger were able to control Britton’s arms and guide him onto his stomach. Britton continued to resist the officers by moving his body. At this time, Officer Peery moved forward and grabbed Britton’s left ankle and assisted Officers Hernandez and Messenger with controlling Britton’s movement. As Britton continued to struggle, Officer Peery activated his TASER in “Drive-Stun” mode two separate times to Britton’s left thigh.¹²⁴

¹²⁰ Officer Peery’s 1st statement, Page 42, Lines 11-14.

¹²¹ Officer Peery’s 2nd statement, Page 4, Lines 7-15.

¹²² Officer Peery’s 1st statement, Page 42, Lines 20-25.

¹²³ Officer Peery’s 1st statement, Page 42, Lines 8-11.

¹²⁴ “Drive-Stun” are two contacts on the cartridge or the TASER unit that conduct energy to affect the suspect’s sensory nerves causing localized pain. This feature may be used with or without the cartridge in place.

According to Officer Peery, *"While we were making contact with the - - the suspect, he was continuing to fight us and resist our - - our movements, and we were having a difficult time with him, so I applied the TASER a second time. This time, in what would be considered like a close contact mode to his leg, like the meaty portion of his leg."*¹²⁵ According to Officer Peery, *"However, the suspect continued to resist. So I held the contact mode for what I perceived to be a few seconds. As we rolled him to his stomach, I - - in my assessment, as he still continued to fight us, I did it one additional time, also in close, or in the contact mode, to the same - - approximately the same portion of his muscular part of his leg."*¹²⁶

Simultaneously, Officer Burroughs' BWV captured him handing his TASER to Officer Gonzalez, followed by him entering the attic to assist the officers. Officer Burroughs then utilized his left hand and placed it on the back of Britton's head as he was raising up.

Note: According to Officer Burroughs, he indicated after he stepped into the attic he immediately took control of Britton's left arm and hand and applied a firm grip twist lock, wrist lock.

Meanwhile, Officer Adam redeployed and moved toward the officers and utilized his hands to apply a firm grip to Britton's ankles.¹²⁷ According to Officer Adam, *"My job during that process was using - - I took my hands, I grabbed onto the suspect's legs and thigh areas, and I used body weight in order to control the suspect."*¹²⁸

*"The suspect was extremely rigid, extremely strong. He actually was able to lift me up with using his legs. And I was using - - I was using all my strength in order to control his legs so they wouldn't get loose and start kicking my fellow - - myself or my fellow officers."*¹²⁹

Note: Officer Adam did not provide a UOF warning to Britton prior to utilizing his body weight. Officer Adam indicated during his FID interview that he heard Sergeant Colomey utilize the PA system to advise Britton to exit and that they did not want to harm him. In addition, Officer Adam indicated the de-escalation process was always in place throughout the incident.

¹²⁵ Officer Peery's 2nd statement, Page 5, Lines 19-24.

¹²⁶ Officer Peery's 2nd statement, Page 6, Lines 7-13.

¹²⁷ Officer Adam, 25 years, one months with the Department, 55 years of age, 5 feet 11 inches tall, 185 pounds.

¹²⁸ Officer Adam's 2nd statement, Page 27, Lines 9-12.

¹²⁹ Officer Adam's 2nd statement, Page 34, Lines 11-16.

Simultaneously, Officers Burroughs handcuffed Britton's right wrist, while Officer Messenger handcuffed Britton's left wrist. The officers secured both hands behind Britton's back and locked two sets of handcuffs together. Officer Messenger's BWV captured him advising Britton multiple times to stop resisting. According to Officer Burroughs, *"So as we're moving through the attic, at one point, you know, my leg and knee went through the ceiling as though I know a few of my partners did too. So we're struggling and fighting for footing as we were moving up to take control of Britton. And - and then the other hazards that go with that too because you don't know what's underneath the blown insulation."*¹³⁰

At 2357 hours, Officer Messenger's BWV captured him advise officers that Britton was handcuffed; however, the wires were wrapped/tangled around him. At that time, Officer Adam handed Officer Peery wire cutters and he began to cut away the tangled wires. Officer Adam advised Sergeant Colomey to request the TEMS respond and administer "Versed" to Britton; however, Sergeant Colomey was unable to obtain a response from the CP.

Note: According to Officer Messenger BWV, at 2359 hours, Britton was heard yelling that he could not breathe and for the officers to get off him. Britton was positioned on his stomach with his head resting in between an opening of the rafters and handcuffed; while simultaneously, Officers Hernandez applied body weight to his hips and buttocks area, Officer Adam applied body weight to his ankles and Officers Messenger and Burroughs held his arms and upper torso.

Officer Messenger's BWV depicts him formulating a plan with other SWAT personnel to lower Britton from the attic area to the first floor through an opening that was made in the kitchen ceiling. At 2400:30 hours, Officer Messenger's BWV captured him, and Officers Hernandez, Peery, Burroughs and Adam safely guide Britton through the opening to the officers positioned in the kitchen. According to Officer Burroughs, *"Stopped resisting? He resisted the entire time. Even as we were lowering him through the ceiling, he was still actively resisting. And that was after the handcuffs were on. I mean, at one point, we were just trying to lock his legs down because he's kicking and biting and flailing. And he was still violent up until the point to where we could get him out of the house."*¹³¹

According to Sergeant Colomey's BWV, he broadcast to the CP that Britton was being lowered from the attic area. Britton was successfully lowered down, head first, through the opening and received by Officers Martin, Sandell, Perez, and Pultz. The officers positioned him upright and escorted him outside to be treated by the TEMS.

At approximately 0003 hours, according to Officer Perez' BWV, TEMS personnel approached and assessed Britton's injuries as he was seated on the sidewalk in front of

¹³⁰ Officer Burroughs' 2nd statement, Page 10, Lines 3-10.

¹³¹ Officer Burroughs' 2nd statement, Page 16, Lines 8-15.

his residence. According to FF/PM Contreras, he observed a welt to Britton's right triceps area. He indicated Britton was yelling and screaming and possibly in a psychiatric crisis. According to FF/PM Contreras, *"I did - - I did note that he with all the gas that he had been exposed to that he was not coughing and he was just - - but he was yelling and screaming."*¹³²

Britton's medical treatment and assessment was relinquished to LAFD FF/PM's Rik Lestelle and Garrett Corley, assigned to LAFD Rescue Ambulance No. 46. Britton was placed inside the RA and transported to California Hospital Medical Center for his altered state and injuries. Seventy Seventh uniform Patrol Police Officer III Kurt Lockwood, Serial No. 38804, and Police Officers II Robert Resurreccion, Serial No. 38468, and Eric Dapello, Serial No. 40859, Unit 12G32, responded to the scene to assist LAFD. Officer Resurreccion rode in the back of the ambulance with LAFD personnel and Britton, as Officers Lockwood and Dapello followed the ambulance in their police vehicle.

Note: A review of Officer Resurreccion's BWV indicated he activated his BWV from 2127-2131 hours while at 1330 West 48th Street. There were no further activations related to transport to the hospital.

Joe Britton was later booked at 77th Street Regional Jail for ADW on Peace Officer (Addendum No. 6).

On August 19, 2019, at approximately 1616 hours, the Department Operations Center (DOC) was notified of the "Barricaded Suspect" incident. At 2240 hours, the DOC notified FID Lieutenant II Damian Gutierrez, Serial No. 30050, of the Categorical Use of Force (CUOF).

Force Investigation Division Detective II Stephanie Carrillo, Serial No. 35791, reviewed all documents and circumstances surrounding the separation, monitoring and the admonition not to discuss the incident to officers prior to being interviewed by FID investigators (Addendum No. 7).

Scene Description

The 1300 block of West 48th Street, located in 77th Division. West 48th Street is an east/west roadway with one lane of traffic in each direction and vehicle parking along the east and west curbs. The 1300 block of West 48th Street is bordered by Normandie Avenue on the West and Raymond Avenue on the East. The immediate surrounding area consisted of single-family residences.

The OIS occurred in the kitchen of the single-family residence located at 1330 West 48th Street. The structure is a 1,264 square foot, single story, two bedroom, one bath residence. The attic space had been converted into an additional two bedrooms and

¹³² Firefighter/Paramedic Contreras statement, Page 27, Lines 23-25 through Page 28, Line 1.

living space. The OIS incident occurred during night time hours at 2200 hours. Artificial lighting was utilized inside the residence by using High Intensity Lights to illuminate the attic eaves. The environmental conditions were dry with clear skies.

Canvass For Witnesses

On August 19, 2019, 77th Street Area personnel canvassed the area of the 1300 block of West 48th Street for witnesses. An additional canvass, following the categorical UOF investigation was conducted by FID personnel on September 3, 2019. Unless otherwise noted, the statements of all witnesses were recorded and transcribed.

Suspect Information



Joe Lester Britton, male Black with black hair, brown eyes. At the time of the incident, he was 6 feet, 2 inches tall, weighed 175 pounds, with a date of birth of February 15, 1954. Britton was identified by Criminal Identification and Information No. H05794738, and he was not documented as a gang member. Britton's criminal history consisted of one arrest on August 8, 2009 for Domestic Violence. Britton was acquitted by a jury for the domestic violence charge. Britton was not on parole or probation at the time of the OIS.

Britton had one prior Mental Evaluation Unit (MEU) contact prior to the OIS. On August 1, 2019, Britton threw hot coffee at a neighbor and a battery report was completed, DR No. 191219502 and MEU No. 7325995, were generated to document the incident. An MEU No. 7352788, was generated to document the OIS incident (Addendum No. 8).

On August 22, 2019, FID, Criminal Apprehension Team, Detective Cruz, presented a criminal complaint to Los Angeles County Deputy District Attorney Oscar Plascencia who filed one count of 245 (D)(1) PC, Assault with a Deadly Weapon (ADW) on Peace Officer and three counts of 245 (A)(1) PC, ADW, and one count of 422 (A) PC, Criminal Threats against Britton (Addendum No. 9).

Injuries

At 2306 hours, Officer's Perry's BWV captured Britton being treated at scene by FF/PM Lazar. According to FF/PM Lazar he observed minor scrapes and scratches on Britton. Sergeant Porter's BWV captured Britton on a gurney and moved into Rescue Ambulance No. 46. Britton was transported to the California Hospital where he was treated for acute delirium and TASER injuries by Dr. Lizette Ruiz. Britton was cleared for booking by Dr. Ruiz (Medical Record No. 110595964).

Note: Britton did not sign a Medical Release Waiver authorizing the release of his medical records.

Evidence

On August 19, 2019, FID Detective II Jeffrey Martin, Serial No. 32877 obtained one buccal swab from Britton at 77th Street Regional Jail, Item 1.

On August 19, 2019, Forensic Science Division, Firearms Analysis Unit (FSD/FAU), Criminalists II, Matthew Saucedo, Serial No. N4688, and Dyna Shirasaki, Serial No. N4504, arrived at scene and conducted an examination for ballistic evidence, projectiles and associated evidence. As a result of their examination, 25 items of evidence were collected and booked in conjunction with this investigation. Included in those items, were a .44 Magnum revolver, Item 2, live cartridge cases, a shotgun, Item 3, a .30-30 caliber rifle, Item 4, one discharged 5.56mm cartridge case, Item 10, an expended 40MM Rubber baton round, Stinger Grenade fragments, TASER cartridges, TASER probes and TASER wires. A total of 31 items have been booked as evidence regarding this incident (Addendum No. 10).

Weapons

A .30-30 caliber, Marlin, Model 336CS, lever action rifle, equipped with a scope and a shoulder strap was located inside the attic crawl space of Britton's residence. During the tactical operation SWAT personnel found this rifle inside a brown soft case, located in the west attic space near the corner of the northwest side of the residence. Sergeant Colomey moved the rifle to the first floor living room. Criminalist Saucedo examined the rifle and determined that it was unloaded. The rifle along with scope and shoulder strap were later booked as evidence. A query of the National Crime Information Center (NCIC) database and the Automated Firearms System (AFS), determined that Britton had purchased the rifle on October 20, 1985, and was the registered owner (Addendum No. 11).



A Remington model 870 Wingmaster 12-gauge shotgun was concealed inside a camouflage gun bag, inside the attic crawl space. During the tactical operation SWAT personnel found this shotgun inside a camouflage soft case, located in the west attic space near the corner of the northwest side of the residence. Sergeant Colomey moved the shotgun to the first floor living room. Criminalist Saucedo, examined the shotgun and determined that it was unloaded. The shotgun was later booked as evidence. A query of the NCIC database and the AFS, determined there was no record on file for the registered owner of the shotgun (Addendum No. 11).



During the crime scene investigation, FID Detective II Guillermo Medina, Serial No. 35905, located a 44-magnum caliber, Smith & Wesson, model 29-3, revolver. The revolver was inside a black holster, concealed inside a brown paper McDonalds bag, located on the bed inside the east bedroom. Criminalist Saucedo examined the revolver and determined that it was loaded with five live cartridges with one empty chamber in the cylinder. The Revolver and cartridges were later booked as evidence. A query of the NCIC database and the AFS, determined that Britton had purchased the gun on September 30, 1985, and was the registered owner (Addendum No. 11) (Addendum No. 12).

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Officer Moreno was armed with his Department-issued HK 416D semi/full automatic rifle. The rifle was equipped with a mounted flashlight, an Eotech holographic optic and was carried on a three-point tactical sling. According to Officer Moreno, at the time of the OIS, the rifle was loaded with 28 rounds of Black Hills 5.56, 70 grain, Barnes TSX, full metal jacket, Department-authorized ammunition in the magazine and one round in the chamber.

OIG Note No. 8: *On July 23, 2020, the OIG contacted FID and received clarification that Officer Moreno's rifle was loaded with 27 rounds in the magazine and one round in the chamber at the time of the OIS.*

On August 20, 2019, at approximately 0750 hours, FID Detective II Stephanie Carrillo, Serial No. 35791, conducted a post-incident examination of Officer Moreno's rifle. She determined the rifle was loaded with one round in the chamber and 26 rounds in the magazine. An inspection of two additional magazines determined one was loaded to Department Standards with 28 rounds of Department-authorized ammunition and one was loaded with 27 rounds of Department-authorized ammunition. One expended cartridge case collected at the OIS scene was later determined to have been fired from Officer Moreno's rifle. This information is consistent with Officer Moreno having fired a total of one round during the OIS.

Note: According to Officer Moreno, *"But after count, I was trying to figure out where that round went, so I looked through my gear, through my truck, and eventually, I found that round in my pouch. So I - - it had come out."*¹³³ *"It's an older magazine. So, I'm assuming the spring set was*

¹³³ Officer Moreno's 2nd statement, Page 87, Lines 3-6.

loose, and it may have popped out somewhere, somehow, maybe from training or from a real mission, and it just came out on its own.”¹³⁴

On October 17, 2019, FSD/FAU Criminalist Saucedo completed a report documenting the test-firing of Officer Moreno’s rifle. The rifle was found to be functional and the trigger pull value for this rifle was within the Departments established range (Addendum No. 13).

Detective Carrillo verified Officer Moreno’s rifle was entered into the Kit Room Inventory Tracking System (KITS) assigned to Metropolitan Division.

Officer Martin fired one 40mm foam projectile from his Department issued 40mm LLL from an approximate distance of 8 feet.

Officer Perry fired one 40mm foam projectile from his Department issued 40 mm LLL from an approximate distance of 12.6 feet. Officer Peery also deployed his Department issued Model X26 TASER, Serial No. X1600098V from an approximate distance of 7.6 feet.

Note: According to Officer Peery, he indicated he was approximately 7-10 feet when he activated the TASER in probe mode.

The data recorded by this TASER showed that on August 19, 2019, between 23:58:36 and 23:59:05 hours, it was activated three separate times, with five second activations each time. Officer Perry’s BWV captured the activations of his TASER at time stamps, 23:55:47, 23:55:59 and 23:56:17 (Addendum No. 14).

Officer Burroughs deployed his Department issued Model X26 TASER, Serial No. X160003V5 from an approximate distance of 11 feet.

Note: According to Officer Burroughs, he indicated he was approximately 3-4 feet when he activated the TASER.

The data recorded by this TASER showed that on August 19, 2019, between 2358:59 and 00:00:20 hours, it was activated 11 times, with five second activations each time. Officer Burroughs BWV captured the activations of his TASER at time stamps 23:54:18, 23:54:26, 23:54:36, 23:54:43, 23:54:54, 23:55:04, 2355:09, 23:55:20, 23:55:26, 23:55:33 and 23:55:40 (Addendum No. 15).

Officer Gonzalez deployed his Department issued Model X26 TASER, Serial No. X160004WC from an approximate distance of 9 feet.

Note: According to Officer Gonzalez, he indicated he was approximately 5-10 feet when he activated the TASER.

¹³⁴ Officer Moreno’s 2nd statement, Page 87, Lines 10-13.

The data recorded by his TASER, showed that on August 19, 2019, between 23:38:23 and 23:39:09 hours, it was activated five times, for a five second period each activation. Officer Gonzalez' BWV was not activated during the deployment of the TASER and did not captured the activations. Officer Messenger's BWV captured Officer Gonzalez' first TASER discharge 23:55 hours (Addendum No. 16).

Sergeant Colomey used Officer Adam's Model X26P, TASER, Serial No. X16000AFP from an approximate distance of 12.5 feet.

Note: According to Sergeant Colomey, he indicated he activated the TASER from a decreasing distance of 5-2 feet.

The data recorded by this TASER also showed that on August 20, 2019, between 00:09:32 and 00:11:16 hours, it was activated eight times, for a five second period each activation and a ninth time for four seconds activation. Sergeant Colomey's BWV captured the activations of his TASER at time stamps 23:55:03, 23:55:08, 23:55:15, 23:55:21, 23:55:35, 23:55:46, 23:55:55 and 23:56:32 (Addendum No. 17).

Firearms Analysis

On September 3, 2019, Criminalist II Jennifer Dorrel, Serial No. N5003, responded to 1330 West 48th Street at the request of FID Detectives to assist with bullet path analysis. The criminalists from FSD/FAU identified two perforating impacts (A and A1). The impacts were located on the roof area of 1330 West 48th Street. Impact A was located on the interior of the roof above the kitchen. Impact A1 was located on the exterior surface of the roof. Pathway A and A1 were consistent with a bullet traveling south to north, east to west, and in an upward direction (Addendum No. 18).



Trajectory Still Images

Visual Documentation

Digital In-Car Video System (DICVS)

There were six DICVS videos related to this incident. Each video was reviewed in its entirety by an FID investigator. The videos captured the pre and post response to the OIS; however, they did not provide a view of the OIS.

Body-Worn Videos (BWVs)

There were 66 BWV's related to this incident. Each video was reviewed in its entirety by FID investigators. The following is a summary of some of what was recorded.

- The BWV's of Officers Moreno, Adam and Martin captured the SWAT tactics and the OIS.
- The BWV's of Sergeants Colomey, Porter and Officer Hernandez captured the CNT negotiations, tactical planning, SWAT tactics, contacts with Britton and portions of the Non-Categorical Use of Force.
- The BWV's of Officers Adam, Burroughs, Gonzalez, Howard, Martin, Messenger, Peery, Pultz, Perez, and Sandell captured SWAT tactics and portions of the Non-Categorical Use of Force.
- The BWV's of Officers Bodell, Goosby, Samuelson, and Williams captured SWAT tactics.
- The BWVs of Officers Peters and Wills captured planning and K-9 tactics.
- The BWV's Officers Roman, Buhrlen and Winkler captured victim statements, tactical planning and tactics of 77th Street Patrol Division Officers. The Officers' BWV's further captured Britton make a threat that he was going to arm himself.
- The BWV's of Sergeant Baumann and Officer Roman captured the tactical planning and tactics of 77th Street Patrol Division Officers.
- The BWV's of Officers Abraham, Cardenas, Cruz, Lomeli, Polomik, Sandate and Yepes captured the tactics of 77th Street Patrol Division Officers.

Outside Videos

On August 19, 2019, FID personnel searched the property of 1330 West 48th Street Avenue for security camera video. Investigators determined that the cameras mounted on Britton's residence were not connected to an active recording system. FID Personnel canvassed the immediate area for security cameras depicting the OIS; however, none were found.

Social Media

Personnel assigned to FID Cyber Unit monitored the news and social media platforms from the date of the incident until the submission of this investigation. No additional evidence, information, or witnesses were identified.

Other Department Video

None.

Photographs

Technical Investigation Division, Photographers III, Gary Raives, Serial No. V9103, and Harry Sarkisian, Serial No. N3442, photographed the OIS scene and associated evidence. The photographs were subsequently stored under Control Nos. 0770045, 0770220, 0770227, and 0770374. A Search Warrant service and subsequent search of the residence conducted on September 3, 2019, was documented under Control Nos. 0770078 and 0770374.

Notifications

At approximately 2202 hours, the DOC was notified of the CUOF. The details of the subsequent notifications were included in this report (Addendum No. 19).

Personnel at Scene

At 2355 hours, Detective II, Miguel Barajas, Serial No. 35885, was the first representative from FID to arrive at the scene. Crime Scene Logs documenting the additional personnel at scene were stored in the FID Casebook.

Communications

Copies of the CD computer-generated Incident Recall printouts associated with this occurrence, Incident No. 190819003428, the corresponding 911 calls for service and the audio recordings of 77th Street Area Base, Tac-1, Channel 37 and SWAT Chanel 66, frequencies were stored in the FID Casebook.

The digitally-recorded interviews of the involved and percipient officers, along with the civilian witnesses, were stored in the Training Evaluation and Management System (TEAMS) II database (Addendum No. 20).

Justice System Integrity Division (JSID)

This case did not meet the criteria for presentation to the Los Angeles County District Attorney's Justice System Integrity Division.

Investigators' Notes

1. Force Investigation Division, Detective II Jorge Cruz, Serial No. 35297, assigned to the Criminal Apprehension Team researched calls of police service at 1330 West 48th Street from January 1, 2019, through August 19, 2019, and found nine incidents which specifically identified Britton or his residence as being involved (Addendum No. 3).
2. During CNT efforts, the neighbor at the CP who identified himself as, "Mr. Robbie" was not formally identified or interviewed at the scene. Mr. Robbie was not present when FID detectives arrived at scene and was unable to be located and interviewed during FID canvass efforts.
3. On August 20, 2019, LAFD, Captain Leonard and Investigators Buehler and Price assigned to the Arson Counter Terrorism Section responded to 1330 West 48th Street to conduct an origin and cause investigation. Investigator Price completed a Fire Investigation Report and formed the opinion that the accidental fire inside the attic was most likely a result of the Sting-Ball grenade or the rotary saw that created sparks. In addition, Investigator Price did not observe any obvious sources of ignition (Addendum No. 5).

Note: According to Britton, the officers were "*drilling*" holes in the roof from the kitchen and a fire started. According to Britton, the officers drilled through some "*electrical mess*."

4. During the crime scene investigation completed by FID detectives, Detective Medina discovered a brown paper McDonald's bag containing a loaded revolver, on the bed of the east bedroom on the second floor. As part of the investigation, Detective Carrillo reviewed BWV for all officers that responded to the incident. At 2034 hours, Officer Adam's BWV captured a brown paper McDonalds bag on the bed of the east bedroom on the second floor prior to the OIS. It was determined that Officer Adam was the first SWAT officer to enter the second-floor east bedroom. From the review of the BWV, it was determined that SWAT officers-maintained control of that bedroom until the conclusion of the incident.

Note: According to Britton, the pistol was on his bed and never leaves the house. Britton stated he did not point the pistol at officers during the incident and was only looking at it and did not have a chance to put it away.

5. On September 2, 2019, Detective Cruz authored a search warrant to conduct a secondary search of Britton's residence to locate a possible firearm in the attic area where Britton was taken into custody. The search warrant was approved by the Honorable Judge George Lomeli. On September 3, 2019, uniformed officers assigned to 77th Area Gang Impact Team served the search warrant at Britton's

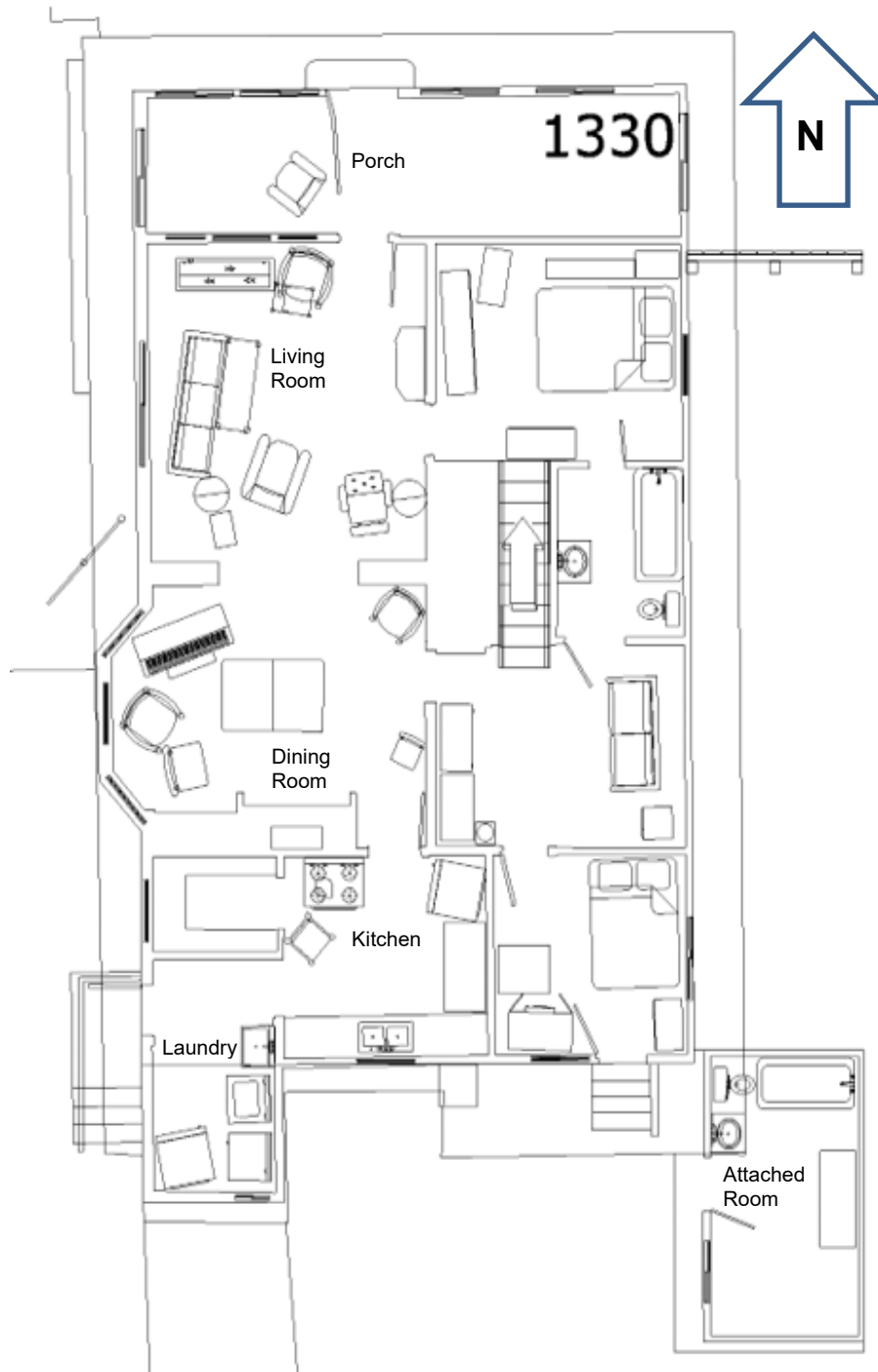
residence. Detectives assigned to FID and officers assigned to the Underwater Dive Unit who were equipped with and trained to conduct metal detector searches, searched the residence and did not locate any additional firearms (Addendum No. 21).

6. On March 12, 2020, Detective Carrillo contacted Sergeant Thomas Stone, Serial No. 35075, assigned to Metropolitan Division Armory regarding a Supply Order Form completed by Metropolitan Division Armory on August 20, 2017, for Combined Tactical Systems (CTS) Sting Ball Grenades. Sergeant Stone explained that the CTS Sting Ball Grenades were ordered for training purposes only and are not approved for SWAT deployments; however, were erroneously stocked in the SWAT Truck and deployed during the OIS. The CTS Sting Ball Grenades have since been removed from the SWAT Truck. Additionally, Sergeant Stone advised that the approved Sting Ball Grenades utilized by SWAT are Amtec Less Lethal Systems (ALS) Sting Ball Grenades (Addendum No. 22).

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Diagrams

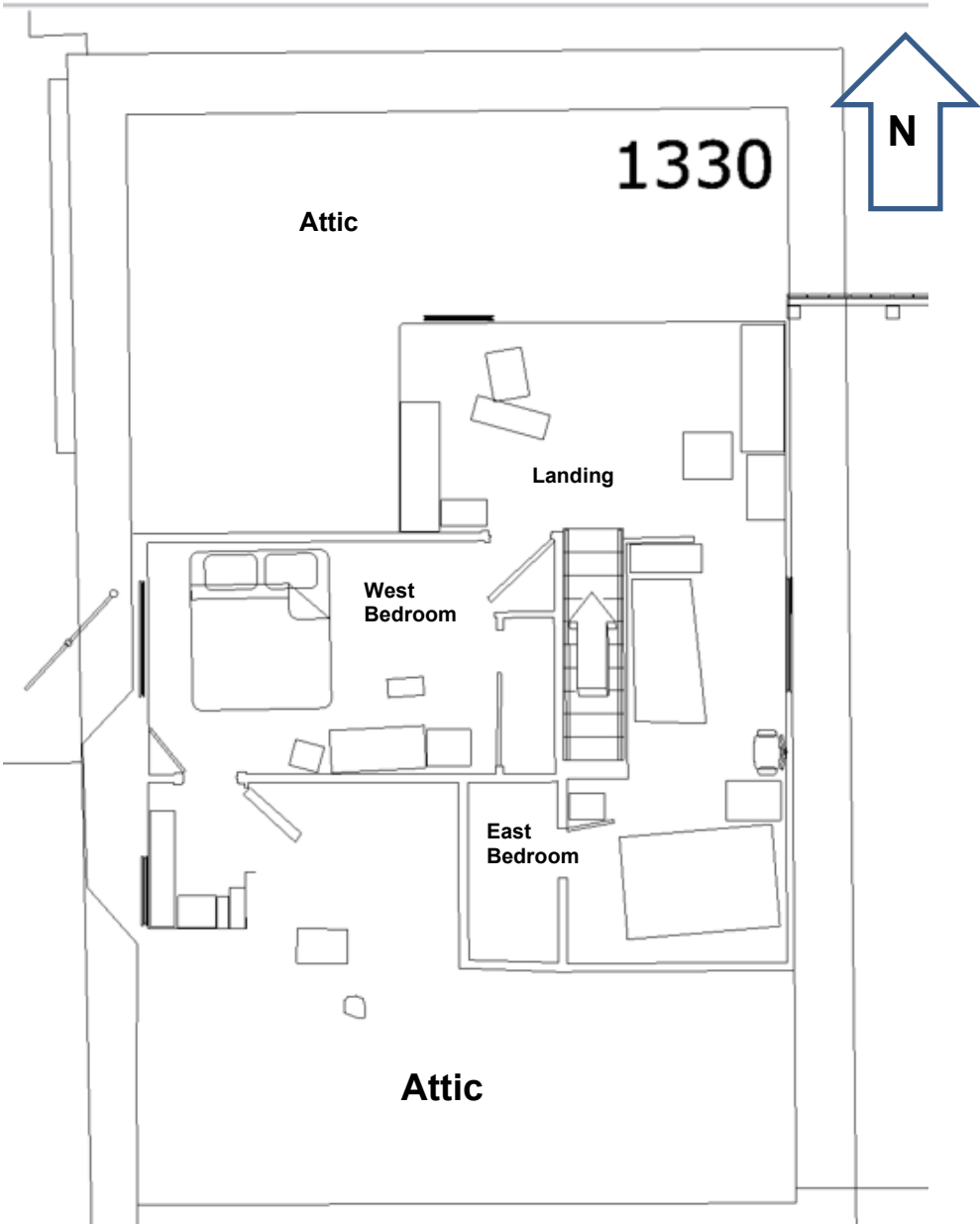
First Floor Diagram



Not to Scale

1330 West 48th Street, First Floor

Second Floor Diagram



Not to Scale

1330 West 48th Street, Second Floor

CHIEF OF POLICE REPORT¹³⁵

Chief of Police Findings

Tactics – Tactical Debrief, Captain Neal, Lieutenant Lopez, Sergeants Baumann, Colomey and Porter, and Officers Adam, Burroughs, Gonzalez, Goosby, Hernandez, Martin, Messenger, Moreno, Ng, Peery, Perez, Peters, Pultz, Sandell, and Wills.

Drawing/Exhibiting – In Policy, No Further Action, Sergeant Baumann, Officers Adam, Burroughs, Gonzalez, Goosby, Hernandez, Martin, Messenger, Moreno, Ng, Peery, Perez, Peters, Pultz, Sandell, and Wills.

Non-Lethal Use of Force – In Policy, No Further Action, Officers Adam, Burroughs, Hernandez, Messenger, and Peery.

Less-Lethal Use of Force – In Policy, No Further Action, Sergeant Colomey, Officers Burroughs, Gonzalez, Martin, and Peery.

Lethal Use of Force – In Policy, No Further Action, Officer Moreno.

Chief of Police Analysis

Detention

- Officers from 77th Street Patrol Division responded to a radio call of an ADW. The patrol officers determined an additional crime of criminal threats had occurred involving a separate victim with Britton as the suspect. Sergeant Baumann responded to the scene and devised a tactical plan to approach Britton's residence and attempt to take him into custody for the aforementioned crimes. As the team was attempting to make entry into Britton's enclosed front porch area, Britton confronted them, and advised he was going to get his handgun. Metropolitan Division SWAT officers responded to the scene and established verbal contact with Britton in an attempt to have him exit his residence and surrender. Britton was verbally hostile and threatened to shoot the officers surrounding the location in the face with the handguns. The SWAT officers formulated various tactical plans utilizing chemical agents, robots, and K-9's in an effort to have Britton surrender without the need for any force. Britton was non-responsive and SWAT officers made entry into his residence to locate Britton and take him into custody. While searching for Britton and subsequently to taking him into custody, an OIS occurred along with applications of less lethal and non-lethal force. The actions of detaining and taking Britton into custody during this incident were appropriate and within Department policies and procedures.

Tactics

- Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those*

¹³⁵ The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance.”

Department policy relative to Administrative Disapproval is: *“A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training” (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication**

(Los Angeles Police Department, Use of Force - Tactics Directive No. 16, Tactical De-Escalation Techniques, October 2016).

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Sergeant Baumann responded to the scene, assumed the role of IC and received information from patrol officers regarding the tactical situation. Sergeant Baumann formulated a tactical plan to approach Britton’s residence and assigned officers to deploy various tools including a Ballistic Shield, a Halligan tool, a Ram, a Beanbag Shotgun, as well as lethal cover options, such as a Police Rifle. Sergeant Baumann and her team backed away and took cover after Britton stated he was going to arm himself with his handgun. Sergeant Baumann proceeded to have officers don their ballistic helmets and set up containment of Britton’s residence while waiting for SWAT officers to respond.

Officers from SWAT responded to the scene and utilized a CNT in order to attempt to communicate and de-escalate the situation. Numerous attempts were made by CNT to establish meaningful dialogue with Britton and have him surrender; however, Britton became increasingly hostile and threatened to shoot SWAT officers with various weapons at his disposal. Sergeant Colomey, along with Officer Hernandez, Sergeant Porter, Lieutenant Lopez were involved in discussing various tactical plans which were approved by Captain Neal, the IC, which were implemented in order to safely have Britton exit his residence. The various tactical plans implemented after CNT declared an impasse due to Britton's unresponsiveness included the tactical discharges with less-lethal munitions to disable exterior cameras, the deployment of multiple phases of gas through different openings, the utilization of robots and K9 resources for searching, utilization of pole cameras and thermal readers to locate Britton, the deployment of a Sting-Ball Grenade, as well as 40 mm LLL, and TASERs. Additionally, a fire plan was put in place prior to any tactical operations and was later implemented utilizing TEMS officers to use water from fire hoses to put out a fire that ignited in the attic of the residence. Use of Force warnings were provided to Britton during the initial CNT phase of the operation and numerous additional warnings were provided throughout the tactical operation, including after visual contact was made by SWAT officers with Britton in the attic of the residence.

Assessment – Sergeant Baumann upon her arrival at scene assessed the situation after receiving information from patrol officers. Sergeant Baumann determined Britton was a named felony suspect for ADW and Criminal Threats and was present inside of his residence. After assessing Britton's fortified front porch area, she formulated a tactical plan and assigned officers to deploy various tools and less-lethal options in conjunction with lethal cover provided by Patrol Rifles and service pistols. While attempting to breach Britton's enclosed front porch area, Sergeant Baumann received information that Britton stated he was going to get his handgun. Sergeant Baumann assessed the tactical situation and directed officers to redeploy and take cover. Additionally, Sergeant Baumann had officers don their ballistic helmets and notified SWAT of the circumstances of the incident.

After SWAT officers arrived on scene, they assessed the layout of the residence, noting there were exterior cameras on the residence, and adjusted containment of the location utilizing SWAT officers. Additionally, SWAT officers assigned to CNT assessed Britton's hostile verbal threats over the course of an hour and determined Britton was not responding to verbal attempts to establish effective dialogue with him and have him surrender peacefully. The SWAT officers at scene assessed after each individual stage of their tactical plans were implemented and proceeded to implement additional tactical plans after receiving no response from Britton after the tactical portion of the operation began. As SWAT officers entered and searched the residence, they assessed locations where Britton could be concealing himself and attempt to ambush them. The SWAT officers assessed as they narrowed the general area of the residence where Britton was. Additional tactical tools including a Sting-Ball Grenade, OC Vapor gas, Eyeball camera, tactical mirrors, and thermal readers were utilized to locate Britton; however, he continued to conceal himself and

be unresponsive. Officer Moreno assessed that Britton presented a lethal threat while he covered an open vent in the ceiling of the kitchen. He observed Britton rise up from the insulation and point a metal object which Officer Moreno believed was the barrel of a handgun, and Britton intended to shoot him and his fellow officers. Officer Moreno fired one round from his rifle to defend himself and his fellow officers from the deadly threat and immediately assessed after the OIS. He communicated to fellow SWAT officers that he had been involved in an OIS and that he had observed movement in the attic. Eventually, as SWAT officers utilized a fireman's pole to open holes into the walls of the bedroom that bordered the additional dead space in the attic area in the south portion of the residence, SWAT officers made visual contact with Britton and 40mm LLL and TASERS were utilized to stop Britton's evasive and threatening actions. Additional SWAT officers made physical contact with Britton who attempted to strike them and actively resisted while SWAT officers took Britton into custody. Britton received medical treatment and was assessed by TEMS officers upon being taken outside of his residence.

Time – After Sergeant Baumann arrived on scene, and assessed the information provided to her by patrol officers, she utilized the time she had to make notifications as well as have officers attempt to gain further information on Britton, including his background and if he had any weapons registered to him. She then took the time she had to formulate a tactical plan to approach Britton's residence and take him into custody utilizing the officers and tools she had at her disposal. Once Britton threatened to get his handgun, Sergeant Baumann had officers take cover and don their ballistic helmets while establishing containment of the location. She then contacted SWAT who advised her that they would be responding to the location.

As SWAT officers arrived at scene, they donned their tactical gear and utilized the time they had to establish CNT and try to de-escalate the situation while scouting the residence and its surroundings should tactical operations become necessary. The CNT attempted to establish effective communication with Britton for approximately one hour as Britton continued to be verbally hostile and threatened to shoot officers. The decision was made to cease crisis negotiations when Britton was not responsive to any verbal de-escalation strategies and proceed with tactical operations which included tactical discharges with less-lethal impact munitions to disable exterior cameras, the deployment of multiple phases of gas through different openings, the utilization of robots and K-9 resources for searching, utilization of pole cameras and thermal readers to locate Britton, and the deployment of a Sting-Ball Grenade as well as 40mm LLL and TASERS. Through each phase of the tactical operations, SWAT officers utilized time to continually assess, make efforts to direct Britton to surrender, and de-escalate the encounter in order to take Britton into custody with the minimum amount of force necessary. Britton would not comply with commands to surrender and attempted to evade and strike officers even after less-lethal tools were deployed and officers initiated physical contact with Britton. The duration from when SWAT officers arrived on scene and established a CNT to when Britton was taken into custody was approximately seven and a half hours.

Redeployment and/or Containment – Upon learning of Britton’s verbal threat to arm himself with a handgun, Sergeant Baumann directed the officers who were part of her tactical plan to breach Britton’s enclosed front porch to redeploy and take cover. Additionally, she had officers don their ballistic helmets and set up containment on Britton’s residence in conjunction with officers utilizing a PA system to request Britton to come outside and surrender.

As SWAT officers arrived at scene, they adjusted containment of Britton’s residence and utilized SWAT officers to relieve patrol officers from their positions and have them either redeploy out of the threat area or assist with evacuations. As a CNT was established and tactical plans were made, SWAT officers utilized their BEARCAT to constantly maintain cover while they observed the CNT attempt to establish effective communication with Britton, and formulated tactical plans should they become necessary. Once SWAT officers entered and began searching Britton’s residence to locate Britton, they contained each area that they were searching, utilized robots, K-9 elements, cameras, and mirrors in order to reduce threats and confrontations between SWAT officers and Britton in a close quarters environment. Following the OIS, Officer Moreno immediately redeployed to his right and utilized a door frame as cover as he assessed the movements of Britton in the attic. As SWAT officers were able to narrow Britton’s likely location to a general attic area of the residence, they maintained containment of Britton’s movement by having three separate teams, one on the first floor utilizing a tactical mirror through an opening in the ceiling, and two additional teams on the second floor attempting to open holes in the walls to establish visual contact with Britton. The SWAT officers maintained containment of Britton’s suspected location through the use of multiple teams and narrowed that area slowly until Britton was located, had no other avenues for escape, and taken into custody.

Other Resources – After Sergeant Baumann responded to the scene, and assessed the situation, she requested an airship and additional units for both traffic control and the tactical situation. Sergeant Baumann also utilized Detective resources when she contacted 77th Street Area Detectives to attempt to determine if there were any handguns or wants/warrants associated with Britton or his residence. Additionally, Sergeant Baumann made notifications to SWAT to request their response prior to forming her tactical plan. Additionally, breaching tools were requested by the initial patrol officers that responded. The PA from a police vehicle was utilized to direct Britton surrender multiple times by patrol officers at scene.

When SWAT was notified of Britton’s threat to arm himself with a handgun after patrol officers attempted to breach his enclosed front porch, Lieutenant Lopez directed the response of SWAT officers to Britton’s residence. As part of that request, various SWAT officers were assigned to retrieve various SWAT vehicles, including BEARCATs and the SWAT equipment truck. Immediately following the OIS, Officer Moreno was taken out of the tactical operation and replaced with Officer Perez who initially was the primary negotiator as part of the CNT; however, Officer Perez’ role transitioned to a tactical operator once he was requested to replace

Officer Moreno. As a part of SWAT's deployment, TEMS officers are notified and respond to maintain communications with LAFD leadership on scene and implement a fire plan if necessary. Lastly, LAFD also had an RA standing by just outside of the threat area to respond and transport Britton if necessary.

Lines of Communication – The initial patrol officers who responded to the radio call of an ADW by a neighbor attempted to establish verbal communications with Britton who began shouting at them shortly after the officers arrived at scene. The patrol officers also spoke to various neighbors to ascertain if further crimes had been committed and to gain information on Britton's background. Sergeant Baumann established lines of communication with the officers at scene as well as with the 77th Watch Commander, 77th Detectives, and SWAT. Sergeant Baumann attempted to have patrol officers direct Britton to surrender utilizing a PA from a police vehicle. Sergeant Baumann maintained communication with SWAT officers and provided information regarding the tactical situation during her telephonic notification to them and then again in person once SWAT team leaders arrived at scene.

The responding SWAT officers established lines of communication once they formed their CNT and attempted to facilitate effective dialogue. The CNT attempted to communicate with Britton for approximately one hour without success. Britton became more verbally hostile and threatened to shoot SWAT officers and their vehicles. Use of Force warnings were provided to Britton multiple times prior to SWAT officers proceeding to a tactical plan. After each phase of the tactical plan which included tactical discharges with less-lethal impact devices to disable exterior cameras, the deployment of multiple phases of gas through different openings, the utilization of robots and K-9 resources for searching, utilization of pole cameras and thermal readers to locate Britton, and the deployment of a Sting-Ball Grenade as well as 40mm LLL and TASERS, SWAT officers constantly attempted to communicate to Britton to surrender so no further force needed to be used. Even as SWAT officers made physical contact and utilized non-lethal force to take Britton into custody, they continued to communicate to Britton to not resist and submit to arrest. Britton refused and actively resisted until he was handcuffed. Britton continued to passively resist until he was taken out of his residence to the RA. Following the OIS, Officer Moreno continued to maintain his lethal cover role, assessed, and communicated to other SWAT officers that he had fired. Additionally, SWAT officers maintained lines of communication throughout the tactical deployment with each other regarding the tactical plans they intended to implement as well as with Lieutenant Lopez and Captain Neal, the IC, who approved all plans prior to their implementation.

The UOFRB noted, and the Chief concurred, that the patrol officers and Sergeant Baumann utilized the time they had, made the proper notifications, requested resources, and opened lines of communication with Britton prior to formulating a tactical plan to approach and attempt to take Britton into custody. Once Britton threatened to arm himself, Sergeant Baumann and the patrol officers redeployed and transitioned to containment while notifying and awaiting the arrival of SWAT

officers. Once the SWAT officers arrived at scene, they utilized all available de-escalation tools, and specifically utilized the time they had to formulate various tactical plans, assessed the location including the threats to their safety as well as the community, contained the location, deployed every resource and tool at their disposal, and opened lines of communication with Britton to have him surrender peacefully without the use of any force. In addition, the SWAT officers continually attempted to try to communicate with Britton to come out and surrender even after Officer Moreno's OIS due to Britton pointing a metal object and presenting a lethal threat to SWAT officers. The SWAT officers systematically contained the location where Britton was suspected to be hiding and commanded him to exit the attic and not resist. Britton was verbally hostile and threatened to shoot SWAT officers during the CNT phase of the incident. Britton eventually refused to communicate with SWAT officers throughout the entirety of the incident until SWAT officers visually located him attempting to conceal himself in the attic of his residence and attempted to arm himself with a tactical mirror and adamantly refused to comply with commands and continued to resist even after the deployment of various less-lethal tools and non-lethal force. The SWAT officers were required to make decision that balanced their own safety and welfare while presented with a potential deadly threat.

Debriefing Points

- During the review of the incident, the following Debriefing Topics were noted:

- **Tactical Communication**

Officers must approach every contact, whether a consensual encounter or a lawful detention, with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves:

- *Advising the primary officer of any critical occurrences or safety issues (e.g., movement within the target vehicle, someone approaching outside the primary officer's field of vision, possible crossfire situations, etc.)*
- *Avoid inappropriate interruptions; and,*
- *Avoid giving directions which conflict with those given by the primary officer. Only one person, usually the primary officer, gives the commands, unless a specific situation calls for another officer to issue a command (California Commission on Peace Officers Standards and Training, Learning Domain No. 22).*

The OIS involving Officer Moreno occurred immediately after Officer Burroughs began retrieval of the Eyeball camera. There were simultaneous actions taken by two teams who were deployed in the same general area, but were operating on two

separate floors. Officers Moreno, Adam, and Martin were utilizing thermal readers in the first floor kitchen area and covering an opening they had created when they had previously pulled open a ceiling vent. Officer Burroughs was part of the second floor team and proceeded to retrieve an Eyeball camera which was attached to a pole in the general area of the open ceiling vent. Officer Adam had requested the Eyeball camera be brought down to the first floor; however, the second floor team did not specifically communicate when they would be retrieving the Eyeball camera.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their recognition of an unsafe situation and by working together collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this incident, although Officer Adam had requested the Eyeball camera be moved and brought down to be used on the first floor, Officer Burroughs only verbally communicated to Officer Peery, who was acting as his DCO, that he would be moving the Eyeball camera. However, Officer Burroughs did not specially communicate to the first floor team exactly when he would be moving the Eyeball camera which was in the same general area that Officer Moreno was covering as the DCO for the first floor team.

The UOFRB considered that there were teams operating on two separate floors in an attempt to continue to isolate and contain the area where Britton was believed to be. Officer Adam was directed to utilize an electric chain saw to open a portion of the first floor ceiling which would be used to deploy the Eyeball camera and tactical mirrors in an effort to locate Britton. The UOFRB noted that a tactical plan had been communicated to the SWAT officers operating on both floors regarding the intention to cut open a hole in the ceiling and utilize the Eyeball camera through that opening in an attempt to locate Britton. The UOFRB noted that Officer Burroughs did have time to communicate to the first floor team prior to removing the Eyeball camera.

The Chief would have preferred Officer Burroughs communicated when he intended to remove the Eyeball camera which was in the general area that Officer Moreno was covering from the first floor. The SWAT officers' communication regarding the tactical plan they were implementing was effective; however active communication prior to removing the Eyeball camera by Officer Burroughs would have allowed for increased coordination between the SWAT officers operating on the two separate floors and reduce any unintended consequences.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that while identified as an area for improvement, Officer's Burroughs actions were not a deviation from approved Department tactical training. The Chief directed that this be a topic of discussion during the Tactical Debrief.

- **TASER Deployment (Multiple Activations / Simultaneous Deployment)**

Whenever practicable, officers shall exercise de-escalation techniques to resolve potential use of force incidents and seek voluntary compliance from suspects/subjects.

The courts have held that Less-Lethal force options are “capable of inflicting significant pain and may cause serious injury.” Therefore, consistent with the Department’s Use of Force Policy, Less-Lethal force options are only permissible when:

- *An officer reasonably believes the suspect or subject is violently resisting arrest or poses an immediate threat of violence or physical harm.*

Less-Lethal force options shall not be used for a suspect or subject who is passively resisting or merely failing to comply with commands. Verbal threats of violence or mere non-compliance by a suspect do not alone justify the use of Less-Lethal force.

An officer may use the TASER as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.

Because the Department recognizes that each tactical situation is unique and that officers must be given the flexibility to resolve tactical situations in the field, there is no pre-set limit on the number of times the TASER can be used in a particular situation; however, officers should generally avoid repeated or simultaneous activations to avoid potential injury to the suspect. The Department looks to the “objectively reasonable” standard and the totality of the circumstances in determining the reasonableness of the force used, which may include the number of times a particular force option was utilized. Thus, officers must continually evaluate the situation they are in and the apparent effectiveness of the force option they have selected. If the force option they have selected does not appear to be effective, officers should consider transitioning to another, and potentially more effective, objectively reasonable force option.

The optimal range for the X-26 TASER is 7-15 feet. This range gives the most effective spread of the probes to accomplish neuro-muscular incapacitation (Los Angeles Police Department Use of Force Tactics Directive No. 4.5, Electronic Control Device TASER –July 2018).

As SWAT officers located Britton in the south portion of the attic located on the second floor of the residence, Sergeant Colomey, and Officers Burroughs, Gonzalez, and Peery, deployed their TASERs multiple times for a total of 28 TASER activations, including simultaneous TASER activations.

The UOFRB considered several factors during their assessment of the use of the TASER and the number of TASER activations by Sergeant Colomey, and Officers Burroughs, Gonzalez, and Peery. The UOFRB noted the circumstances and tactics

that had been attempted as well as Britton's refusal to comply with commands to surrender throughout the incident. The SWAT officers had attempted to resolve the incident with only the minimal force necessary by initially establishing verbal communication through CNT. When this tactic failed, the tactical plan then included the utilization of CS gas, robots, OC gas, tactical mirrors, an Eyeball camera, thermal readers, a Sting-Ball Grenade, and 40mm LLL rounds prior to utilizing the TASER. The UOFRB considered that all these tactical options had been implemented over a seven-hour period and that an OIS occurred as the SWAT officers attempted to locate Britton in the south portion of the attic on the second floor. Britton was believed to be hiding in a confined space in the second floor of the residence.

The UOFRB noted the SWAT officers had attempted to utilize all the tactical options they had which were all ineffective and when visual contact was made with Britton, he was in an unsearched area of the residence, was believed to be armed. The tactic of leaving cover to approach and make physical contact would place the SWAT officers at a tactical disadvantage. The UOFRB determined that the total number of activations of the TASER were not optimal; however, the tactical situation was extremely challenging as the SWAT officers were in a confined space, could not see Britton's hands at times, and the floor of the attic was unstable. The utilization of the TASER provided SWAT officers with a tactical advantage in order to facilitate the safe approach of additional officers to make physical contact with Britton.

Additionally, the UOFRB noted the simultaneous TASER activations of Sergeant Colomey and Officers Burroughs, Gonzalez, and Peery. The UOFRB considered that the architectural layout of the residence hindered the SWAT officers' ability to observe the deployment of each individual TASER in the dynamic and chaotic tactical situation. The deployment and utilization of the TASER was an alternative less lethal force option, as the tactical situation had made the further initiation of a chemical agent into the environment and the use of impact projectiles a lesser desired option.

In this case, the goal was to handcuff Britton, which necessitated the officers placing their hands on him. All other tactics employed to by SWAT officers to limit the amount of force necessary to take Britton into custody had already proven ineffective. Due to Britton's movement, his defiant demeanor, and the possibility he was armed, Britton was unsafe to approach. Tactics are meant to be conceptual in nature and each tactical situation is unique in that officers must be given flexibility to resolve tactical situations in the field.

In this case, the tactical circumstances presented to the SWAT officers were challenging. Although there is no pre-set limit on the duration or number of times the TASER can be used in a particular situation, it is my expectation that the effectiveness of the TASER be continually evaluated by the involved officers, and if necessary, other force options are considered and utilized if possible. Although Sergeant Colomey and Officers Burroughs, Gonzalez, and Peery were all attempting

to address the immediate threat presented by Britton, it is my expectation that they are mindful that simultaneous deployments of the TASER may limit their ability to potentially deploy additional less-lethal force options and effectively assess the suspect's level of compliance.

Based on the totality of the circumstances, the Chief determined that Sergeant Colomey, and Officers Burroughs, Gonzalez, and Peery's actions were a substantial deviation, with justification, from approved Department tactical training. In an effort to enhance their future tactical performance, the Chief directed that this topic be discussed during the Tactical Debrief.

Additional Tactical Debrief Topics

- **Recording PSS** – Sergeant Colomey did not direct Officer Moreno to deactivate his BWV prior to providing a partial PSS to Sergeant Porter. After exiting Britton's residence, Sergeant Colomey and Officer Moreno met with Sergeant Porter. Sergeant Colomey directed Sergeant Porter to obtain a partial PSS from Officer Moreno in the presence of Lieutenant Lopez. In addition, Sergeant Colomey did not deactivate his BWV while in the presence of Officer Moreno as he provided the partial PSS to Sergeant Porter. The Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Tactical Planning** – The investigation revealed that due to the electrical power still being on inside of the residence and water being utilized to saturate an area of the attic that had been on fire, a K-9 that began to search the attic was affected by an electrical current. While a fire plan had been developed during this incident, it is also important to consult with available resources, including LAFD personnel, and consider fire, water, and electricity concerns as part of the continuing development and modification of the tactical plan. Since this incident, SWAT's default policy is now to turn off the electricity of a structure if water has been introduced into the structure. Concerns related to fire, water, and power are continuing to be topics of discussion when developing tactical strategies prior to presentation to the IC for approval. Special Weapons and Tactics officers are reminded of the importance of thorough tactical planning in order to ensure operational success. The Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Non-Conflicting Simultaneous Commands** – The investigation revealed that multiple SWAT officers provided simultaneous non-conflicting commands to Britton to show his hands and stop resisting. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance. The Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Required Equipment** – The investigation revealed that Sergeant Baumann, and Officers Abraham, Cardenas, Lomeli, Martin, Polomik, and Yepez had their side-handle batons in their police vehicles. Officer Lomeli also had his Hobble Restraint

Device (HRD) in his police vehicle. Sergeant Baumann, and Officers Abraham, Cardenas, Lomeli, Martin, Polomik, and Yopez are reminded of the importance of having their required field equipment on their person to allow for the availability of additional use of force options during an incident. The Chief directed this to be a topic of discussion during the Tactical Debrief.

Command and Control

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

Command and Control is a process where designated officers use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct officers and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).

Sergeant Baumann was the first supervisor to arrive at the scene. Sergeant Baumann assumed the role of the IC at the scene. Sergeant Baumann requested additional units and provided supervisory oversight of the officers at scene. She formulated a tactical plan, formed an entry team, and assigned various roles including less-lethal cover. When the entry team was unsuccessful in breaching the enclosed metal mesh front porch and were threatened by Britton, Sergeant

Baumann directed officers to move back to cover and made appropriate notifications to SWAT. Sergeant Baumann established the CP and maintained her IC role until relieved.

Sergeant Porter was the secondary supervisor in charge of tactics for the SWAT officers. Sergeant Porter provided oversight of the outer perimeter surrounding Britton's residence and directed the implementation of the fire plan when he observed smoke emanating from the roof. Sergeant Porter maintained communication with Sergeant Colomey and Lieutenant Lopez in order discuss available tactical options and provide additional oversight if necessary.

Lieutenant Lopez received information from Sergeant Baumann, who was at the scene, and determined that the circumstances met the criteria for a SWAT deployment. Lieutenant Lopez notified SWAT officers of the SWAT deployment and the circumstances via email. Lieutenant Lopez arrived at the CP and as the SWAT OIC, advised and approved of SWAT tactics and acted as a liaison between SWAT personnel and the IC. Lieutenant Lopez maintained constant contact with Sergeants Colomey and Porter to monitor the tactical situation and discussed the options available to propose to the IC.

The investigation revealed Captain Neal, at approximately 1724 hours, arrived at the command post and assumed the role of IC. Captain Neal worked in conjunction with Lieutenant Lopez who provided options and recommendations in concurrence with METRO's CO to resolve the critical. Captain Neal provided overall oversight and approved SWAT's deployment of the various tactical phases which included, verbalization, crisis negotiation, tactical discharges, gas deployment, use of K9 resources to search the residence, and less-lethal munitions.

The UOFRB noted all the supervisors responded while the tactical incident was in progress and met the requirements of supervisors during a Categorical Use of Force incident. The UOFRB noted numerous positive steps taken by the supervisors at scene including effective tactical communication as well as active oversight and involvement in maintaining control of the tactical situation.

The sergeants adhered to their roles as supervisors and completed their assigned tasks while maintaining effective command and control over the incident. The actions of Sergeants Baumann and Porter, Lieutenant Lopez, and Captain Neal were consistent with Department supervisory training and my expectations of field supervisors during a critical incident.

The investigation revealed Sergeant Colomey arrived at scene and was the primary supervisor in charge of tactics for SWAT officers and the designated the squad leader. Sergeant Colomey directed SWAT tactics inside of Britton's residence and provided supervisory oversight over the various teams of SWAT officers deployed to the first and second floors of the residence. Sergeant Colomey also directed the removal Officer Moreno from the tactical incident following his OIS and directed

Officer Moreno to provide an abbreviated PSS for officer safety and the determination of which tactical options would be used to proceed forward. Additionally, once Britton was visually observed in the attic, Sergeant Colomey opted to deploy a TASER and became involved in a less-lethal use of force.

The UOFRB considered that Sergeant Colomey had established command and control from the arrival of SWAT personnel at the scene to the point where he became involved in a less-lethal use of force involving the use of a TASER on Britton.¹³⁶ The UOFRB noted that supervisors, including SWAT supervisors, generally should not become directly involved in the application of a force option during a UOF incident. However, in this unique circumstance, the SWAT personnel were presented with a hostile suspect in confined environment, with a challenging layout, wet unstable footing, and limited visibility. Britton had resisted numerous efforts of less lethal munitions and the introduction chemical agents. Britton was believed to be armed and was moving freely in an unsearched area of the attic after an OIS had already occurred involving a SWAT officer.

UOFRB noted Sergeant Colomey made the decision to utilize a TASER while he had visual contact with Britton due to the difficult layout of the residence, Britton's movement around the attic, the belief that Britton was armed, and the rapid pace at which the tactical situation was unfolding. Sergeant Colomey's primary goal was to take the Britton into custody while exposing SWAT officers and Britton to the least amount of risk as possible.

Sometimes when supervisors involve themselves in utilizing force, they are unable to effectively maintain oversight and control of the officers involved in a tactical situation. The Chief would have preferred Sergeant Colomey recognize there was a shortage of SWAT officers on the team covering the west attic entrance; however, the tactical situation was dynamic and fluid. Tactical communication was occurring between the multiple SWAT officers inside the residence and each SWAT officer was tasked a specific task or area of coverage utilizing lethal or less-lethal cover options.

Based on the totality of the circumstances, the Chief determined that Sergeant Colomey's actions were a substantial deviation, with justification, from approved Department tactical training. Therefore, the actions of Sergeant Colomey were overall consistent with Department supervisory training and the Chief's expectations of a field supervisor during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Captain Neal, Lieutenant Lopez and Sergeants Baumann, Colomey, and Porter, along with Officers Adam, Burroughs, Gonzalez, Goosby,

¹³⁶ The UOFRB noted that Sergeant Colomey had not been directly involved in a UOF since 2016.

Hernandez, Martin, Messenger, Moreno, Ng, Peery, Perez, Peters, Pultz, Sandell, and Wills tactics did not deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

Although it was determined that Officers Abraham, Buhrlen, Cardenas, Lomeli, Martin, Polomik, Roman, Sandate, Winkler, and Yopez would not receive formal findings, the Chief believed that they would benefit from attending the Tactical Debrief to discuss this multi-faceted incident in its entirety to enhance future performance.

Therefore, the Chief directed that Captain Neal, Lieutenant Lopez and Sergeants Baumann, Colomey, and Porter, along with Officers Adam, Burroughs, Gonzalez, Goosby, Hernandez, Martin, Messenger, Moreno, Ng, Peery, Perez, Peters, Pultz, Sandell, Wills, Abraham, Buhrlen, Cardenas, Lomeli, Martin, Polomik, Roman, Sandate, Winkler, and Yopez attend a Tactical Debrief and that the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

- On September 12, 2019, Sergeant Colomey, and Officers Moreno, Peery, Gonzalez, Burroughs, and Messenger attended a General Training Update (GTU). On September 17, 2019, Officer Adam attended a GTU. On October 1, 2019, Officers Hernandez and Martin attended a GTU. All mandatory topics were covered including the Force Option Simulator.

Drawing/Exhibiting

- Department policy relative to drawing and exhibiting a firearm is: *“An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified” (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).*

- According to Sergeant Baumann, she was near the rear of the group of officers she had assembled to approach, breach, and make entry into Britton's enclosed front porch area. Sergeant Baumann initially was to the rear of the tactical formation and was not unholstered. However, as Sergeant Baumann and the group of officers tactically approached the location, Sergeant Baumann drew her service pistol at a point when she had nobody covering her and to provide lethal cover towards a blind spot where the porch was, which potentially could have given Britton an avenue to ambush Sergeant Baumann and the officers.

Sergeant Baumann recalled, *"Yes, but I was not unholstered. I think maybe when I came around the one corner when I had nobody covering me, then I did..."*¹³⁷

*"It was when the guys went up. I think Cardenas was in front of me or around me, and I think I did unholster when there was one spot where I didn't have anybody - - you know, as they sort of went by, we were covering that side where the camera was."*¹³⁸

*"But that was just for a short second."*¹³⁹

*"To cover because it was almost like a blind spot where that caged in porch was, and he would have had the drop on me."*¹⁴⁰

In this case, the UOFRB conducted a thorough evaluation of the reasonableness of Sergeant Baumann's Drawing/Exhibiting of her service pistol. The UOFRB noted that Britton was identified as a felony suspect of an ADW and Criminal Threats. Prior to Sergeant Baumann and her tactical team of officers approaching Britton's residence to gain entry and take Britton into custody for the aforementioned crimes, Britton was verbally hostile towards the officers that had responded to the scene.

The UOFRB considered that as Sergeant Baumann was approaching Britton's enclosed metal mesh front porch with her tactical team of officers, she observed an area of the enclosed metal mesh that was not contained by lethal cover and believed it was an area that could potentially be used as an ambush point. Sergeant Baumann briefly drew her service pistol to cover the specific area of the metal mesh that did not have any lethal cover assigned to it.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that a Sergeant with similar training and experience as Sergeant Baumann while faced with similar circumstances, would reasonably believe that

¹³⁷ Sergeant Baumann, Page 28-29, Lines 24-25 and 1.

¹³⁸ Sergeant Baumann, Page 29, Lines 8-12.

¹³⁹ Sergeant Baumann, Page 29, Lines 14-15.

¹⁴⁰ Sergeant Baumann, Page 29, Lines 18-20.

there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Sergeant Baumann's Drawing/Exhibiting to be In-Policy, No Further Action.

- According to Officer Wills, he responded to a SWAT barricaded suspect call to assist in a searching capacity. Officer Wills received information that Britton had two handguns registered to him and had told patrol officers, get off my property or I'll shoot you all in the face. While at scene, Officer Will also heard Britton state multiple times, I have a high powered rifle. I'll shoot you in the face. Officer Wills joined the SWAT search team with his K-9 Silas in order to assist with the search of Britton's residence. Officer Wills drew his service pistol while he was assisting with the search to locate Britton, who he believed to be armed and had threatened to shoot officers numerous times.

Officer Wills recalled, *"During while - - while we were searching, I unholstered. But I'll tell you, most of the time I was holstered."*¹⁴¹

*"My personal feeling, if I'm running my dog and I've got at least two SWAT guys up front with rifles, if the shooting's going to happen, it's going to be with them. I -- I am not going to try to shoot from behind them so, yes, my gun, I was unholstered, but it was pretty fluid. Like, I would unholster if I was going to step in with someone. Once those guys got in front of me, I'd reholster."*¹⁴²

*"Low-ready, indoor low-ready. Mostly one handed because I had my flashlight directing my dog in the other hand."*¹⁴³

- According to Officer Peters, he responded to assist with a K-9 search for a barricaded suspect. Officer Peters was informed that Britton had threatened to shoot patrol officers in the head and had made similar terrorist threats to the SWAT officers. While assisting with searching an uncleared and hidden attic space with his K-9 Storm, Officer Peters drew his service pistol since he was at the attic opening and in the area of where a threat could pop up.

Officer Peters recalled, *"I did that when I inserted my dog into the attic, because now I was - - he was actively searching, and I was actively part of that search. And I was at the attic opening and in the area of where a threat could pop up, and so I naturally had my weapon unholstered."*¹⁴⁴

¹⁴¹ Officer Wills, Page 36, Lines 6-8.

¹⁴² Officer Wills, Page 36, Lines 10-18.

¹⁴³ Officer Wills, Page 36-37, Lines 25, 1-2.

¹⁴⁴ Officer Peters, Page 22, Lines 20-25.

The UOFRB conducted a thorough evaluation of the reasonableness of Officer Wills and Peters' Drawing/Exhibiting of their service pistols. The UOFRB noted that the METRO K-9 officers at scene had been provided information regarding their deployment to Britton's residence, including that he had threatened to arm himself with his handgun as well as that Britton had two handguns registered to him.

The UOFRB considered that Officer Wills joined the SWAT search team with his K-9 Silas in order to assist with the search of Britton's residence. Officer Wills drew his service pistol while he was assisting with the search to locate Britton, who he believed to be armed and had threatened to shoot officers numerous times.

The UOFRB considered that Officer Peters joined the SWAT search team with his K-9 Storm in order to specifically assist with searching an uncleared and hidden attic space. Officer Peters drew his service pistol as K-9 Storm entered the attic area since the opening to the attic was where a potential threat could present itself.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Wills and Peters, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officers Wills and Peters' Drawing/Exhibiting to be In-Policy, No Further Action.

- According to Officer Moreno, his mission was to check the ceilings from the second floor and the first floor. While utilizing a thermal reader in his left hand, Officer Moreno transitioned and drew his service pistol due to searching a confined space and in order to have a good field of view in which he could utilize the light on his pistol. Officer Moreno was searching in a darkened environment and drew his service pistol because he was utilizing a thermal reader in his left hand and he couldn't use the light on his rifle system.

Officer Moreno recalled, *"So if I recall that when I was initially made entry into the - - into the - - the residence and I was using my thermal imaging, I had - - my primary mission was to check the ceilings from the second floor and the first floor. And I was generally doing that with my left hand for the most part."*¹⁴⁵

"So during my search of the thermal imaging, I do recall I may have come through like a - - a closet, confined space. So because the suspect wasn't located yet, and I still had to kind of have a field of view of what I was doing, one of the bedrooms, which I believe was at the one-two corner area was, there was clothes, there was items on the ground. So in order to have a good field of view, I used a light on my pistol because I was kind of looking through the closet area. Unfortunately, there

¹⁴⁵ Officer Moreno 2nd Interview, Page 88-89, Lines 24-25 and 1-4.

*has been suspects missed, you know, from other incidents of searching. So in order to protect myself and to also use it as a light source, I pull - - I drew my pistol instead of my rifle because on my left hand, I have my thermal imaging, and I couldn't use the light on my rifle system."*¹⁴⁶

*"I may have done it on the two-side restroom - - right before the one-two corner bedroom area. I might have done that whole area because it was just a clutter on the ground. Everything was just kind of cluttered everywhere, so..."*¹⁴⁷

*"Yes. So, my primary hand index finger is alongside the frame. My trigger finger is off the trigger alongside the frame. My thumb from my - - which is my primary hand that's on the pistol is on top of the safety. So the rifle [sic] - - the pistol is on safe with my primary thumb on top of the - - the thumb safety level, with my trigger finger off the trigger."*¹⁴⁸

- According to Officer Adam, as he searched Britton's residence, whenever he encountered a confined space or needed to access a closet or smaller area, he would transition from his rifle, to his pistol, since it was more conducive to searching in a confined space. Utilizing his service pistol in his primary hand was more advantages since Officer Adam was required to move clothing with one of his hands to clear smaller spaces. Officer Adam stated he utilized his service pistol's light to illuminate the area inside of the confined spaces he searched and would not have been able to effectively come up with a proper sight picture using his rifle due to the limited area.

Officer Adam recalled, *"During the searching process, when we go into a confined space, like if we had to open up a closet or go in a small room, I would transition from my primary weapon system, which is my rifle, to my pistol, because it is more conducive to searching in confined spaces or if you have to, you know, like move clothing or so forth."*¹⁴⁹

*"Using - - using the light that's affixed to the weapon system or the pistol in order to illuminate the area inside of the confined space so that - - if I was to use my rifle, I couldn't - - I couldn't effectively come up with a proper sight picture using my rifle versus the proper technique I could use with my pistol."*¹⁵⁰

¹⁴⁶ Officer Moreno 2nd Interview, Page 89-90, Lines 12-25 and 1.

¹⁴⁷ Officer Moreno 2nd Interview, Page 92-93, Lines 23-24 and 1-4.

¹⁴⁸ Officer Moreno 2nd Interview, Page 93, Lines 16-22.

¹⁴⁹ Officer Bruce 2nd Interview, Page 40-41, Lines 24-25 and 1-5.

¹⁵⁰ Officer Bruce 2nd Interview, Page 41, Lines 8-14.

The FID investigation revealed that Britton was determined to be an armed barricaded suspect and numerous SWAT officers were involved in the search of the residence.

As Officer Burroughs proceeded to search various confined areas of Britton's residence to locate Britton, Officer Burroughs transitioned from his primary weapon system, and drew his service pistol.

As Officer Messenger proceeded to search various confined areas of Britton's residence to locate Britton, Officer Messenger transitioned from his primary weapon system, and drew his service pistol.

As Officer Peery proceeded to search various confined areas of Britton's residence to locate Britton, Officer Peery transitioned from his primary weapon system, and drew his service pistol.

The UOFRB conducted a diligent and individual assessment of each officer's articulation regarding their decision to draw/exhibit their service pistols.

The UOFRB conducted a thorough evaluation of the reasonableness of Officer Moreno's Drawing/Exhibiting of his service pistol. The UOFRB noted that prior to SWAT officers arriving at scene, they had been provided information regarding their deployment to Britton's residence, including that he had threatened to arm himself with his handgun as well as that Britton had two handguns registered to him.

The UOFRB considered that while CNT officers were attempting to communicate and establish verbal dialogue with Britton, he became increasingly hostile and threatened to shoot the SWAT officers with both a handgun and a high-powered rifle. Officer Moreno believed Britton to be armed with his handguns and was aware of Britton's threats towards the SWAT officers. Officer Moreno transitioned from his rifle and drew his service pistol as he searched Britton's residence both while utilizing a thermal detection device with one hand and when he entered confined spaces.

The UOFRB conducted a thorough evaluation of the reasonableness of Officers Adam, Burroughs, Messenger, and Peery's Drawing/Exhibiting of their service pistols. The UOFRB noted that prior to SWAT officers arriving at scene, they had been provided information regarding their deployment to Britton's residence, including that Britton had threatened to arm himself with his handgun, as well as that Britton had two handguns registered to him.

The UOFRB considered that while CNT officers were attempting to communicate and establish verbal dialogue with Britton, he became increasingly hostile and threatened to shoot the SWAT officers with both a handgun and a high-powered rifle. Officers Adam, Burroughs, Messenger, and Peery believed Britton to be armed and was aware of Britton's threats towards the SWAT officers. Officers Adam,

Burroughs, Messenger, and Peery transitioned from their rifle and drew their service pistols as they searched confined areas of Britton's residence.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Moreno, Adam, Burroughs, Messenger, and Peery, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officer Moreno, Adam, Burroughs, Messenger, and Peery's Drawing/Exhibiting to be In-Policy, No Further Action.

- According to Officer Moreno, while conducting training, Officer Moreno and other members of the SWAT team received information that they would be responding to a barricaded SWAT call at 1330 West 48th Street. While en route to the location, Officer Moreno was informed of Britton's name and that he was a barricaded suspect who was wanted for an ADW crime as well as for threatening his neighbor. Additionally, as Officer Moreno arrived at scene, he was informed that Britton had threatened to shoot patrol officers who were at scene, had two handguns that were registered in his name, and was possibly a Vietnam veteran. Britton stated numerous times that he had weapons and would shoot you (Officers) in the face. Officer Moreno after being assigned to act as a cover officer on one of the armored vehicles at scene, donned his tactical gear and deployed his rifle from his vehicle based on the fact that the tactical situation may escalate to the point where deadly force may be used and based on Britton's statements that he was armed.

Officer Moreno recalled, *"Generally, you arrive at scene. You get your tactical gear on, which I did for the call up. I then went ahead and retrieved my rifle, which is unloaded at the time. And I made it ready based on the situation of call where the situation may escalate to the point where deadly force may be used based on the comments he had stated and that he was armed. So once I arrived at scene that day, I made my - - my - - my primary duty rifle ready. Loaded and ready. So I put the mag - - I placed the magazine in the magazine port area. I pulled the charging lanyard to the rear which grabs the bolt. And then the bolt then once released puts a round inside the chamber area. But the weapon is still placed on safe. And that's how it was deployed."*¹⁵¹

In this case, the UOFRB conducted a thorough evaluation of the reasonableness of Officer Moreno's Drawing/Exhibiting of his patrol rifle. The UOFRB noted that prior to SWAT officers arriving at scene, they had been provided information regarding their deployment to Britton's residence, including that Britton was a barricaded suspect and that he was wanted for an ADW crime as well as for threatening his neighbor. Officer Moreno was also informed that Britton had threatened to arm

¹⁵¹ Officer Moreno 2nd Interview, Page 26, Lines 16-20 and 22-23

himself, shoot patrol officers at scene, and had two handguns registered in his name.

The UOFRB considered that Officer Moreno was assigned to act as a cover officer on one of the armored vehicles at scene. He donned his tactical gear and deployed his Department rifle from his vehicle because the tactical situation may escalate to the point where deadly force may be necessary based on Britton's statements that he was armed and intended to shoot officers.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Moreno, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officer Moreno's Drawing/Exhibiting of his Department rifle to be In-Policy, No Further Action.

- The FID investigation revealed that after Britton was determined to be an armed barricaded suspect, additional SWAT officers responded and relieved 77th Street Division officers.

As Officer Adam assumed a position at the location, he deployed his rifle from his police vehicle.

As Officer Burroughs assumed a position at the location, he deployed his rifle from his police vehicle.

As Officer Goosby assumed a position at the location, he deployed his rifle from his police vehicle.

As Officer Gonzalez assumed a position at the location, he deployed his rifle from his police vehicle.

As Officer Hernandez assumed a position at the location, he deployed his rifle from his police vehicle.

As Officer Martin assumed a position at the location, he deployed his rifle from his police vehicle.

As Officer Messenger assumed a position at the location, he deployed his rifle from his police vehicle.

As Officer Ng assumed a position at the location, he deployed his rifle from his police vehicle.

As Officer Peery assumed a position at the location, he deployed his rifle from his police vehicle.

As Officer Perez assumed a position at the location, he deployed his rifle from his police vehicle.

As Officer Pultz assumed a position at the location, he deployed his rifle from his police vehicle.

As Officer Sandell assumed a position at the location, he deployed his rifle from his police vehicle.

In this case, the UOFRB conducted a thorough evaluation of the reasonableness of Officer Adam, Burroughs, Goosby, Gonzalez, Hernandez, Martin, Messenger, Ng, Peery, Perez, Pultz, and Sandell's Drawing/Exhibiting of their patrol rifles. The UOFRB noted that prior to SWAT officers arriving at scene, they had been provided information regarding their deployment to Britton's residence, including that Britton was a barricaded suspect and that he was wanted for an ADW crime as well as for threatening his neighbor. The aforementioned officers were also informed that Britton had threatened to arm himself, shoot patrol officers at scene, and had two handguns registered in his name. As Officers Adam, Burroughs, Goosby, Gonzalez, Hernandez, Martin, Messenger, Ng, Peery, Perez, Pultz, and Sandell assumed their assigned tactical position, they deployed their Department rifles from their police vehicles.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Adam, Burroughs, Goosby, Gonzalez, Hernandez, Martin, Messenger, Ng, Peery, Perez, Pultz, and Sandell, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officer Adam, Burroughs, Goosby, Gonzalez, Hernandez, Martin, Messenger, Ng, Peery, Perez, Pultz, and Sandell's Drawing/Exhibiting of his Department rifle to be In-Policy, No Further Action.

Use of Force – General¹⁵²

- *It is the policy of this Department that officers may use only that force which is "objectively reasonable" to:*
 - *Defend themselves;*
 - *Defend others;*

¹⁵² Special Order No. 4, 2020 – Policy on the Use of Force - Revised, was adopted by the Department on February 5, 2020, after this incident occurred.

- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances.*

(Los Angeles Police Department Manual, Volume 1, Section 556.10)

Non-Lethal Use of Force¹⁵³

Officer Hernandez – Front Kick, Firm Grip, Physical Force

- According to Officer Hernandez, he entered the attic in an effort to take Britton into custody. As he attempted to grab Britton's arms, Britton began swinging his arms in an attempt to punch him. Officer Hernandez stated that Britton took a full swing punch towards Officer Hernandez. Officer Hernandez targeted Britton's abdomen area and utilized his right leg to deliver a front kick to Britton who was lying in the attic.

Note: According to the FID investigation, Officer Hernandez utilized his left leg to deliver his front kick which struck Britton in the right shoulder.

¹⁵³ Los Angeles Police Department Manual, Volume 1, Section 556.10.

Officer Hernandez recalled, *"So I believe I was the first one in. As I entered into the - - the area I started approaching the suspect. He was down. He was being affected by the TASER, but he was kind of flailing and kicking around. I could see him trying to move his - - his hands away from me. So I reached out to grab - - I don't know if it was his right hand or his left hand. It was pretty dark and I had a gas mask on. I reach out to grab his hands and he takes a swing at me like a - - like a full swing punch towards me. I backed up and I was kind of in a crouched position because it was an attic crawl space but I gave him a front kick to kind of like his - - like abdomen area to keep him back away from me because it looked like he was going to try to kind of swing and come in my direction."*¹⁵⁴

According to Officer Hernandez, his kick had the desired effect of having Britton stop his attempt to strike Officer Hernandez. Officer Hernandez approached Britton and utilized a firm grip to grasp Britton's left wrist with both of his hands in an effort to control Britton. Britton pulled Officer Hernandez' hands towards Britton's mouth and attempted to bite Officer Hernandez. Officer Hernandez repositioned his hands where his right hand was holding Britton's left elbow and his left hand was holding Britton's right wrist.

Officer Hernandez recalled, *"Once I gave him the - - the front kick he kind of backed up and I see him kind of pull his hands back away from me at which point once again I tried to reach out. I grab one of his hands and I'm able to get my hands on his hands at this point but now he pulls my hands while I'm holding onto his hands up towards his mouth and he's - - he tries to bite me. So, at that point, I kind of jerked his - - his hands back away from his mouth and at that point I believe Mike was already inside the attic and now we're kind of wrestling with him trying to get his hands. He's trying to pull his hands from back underneath his body."*¹⁵⁵

*"I think it may have been Bruce tried to come up and control his legs but he was very strong and we were having troubles getting his - - his hands from underneath him. I believe Royce at that time then grabbed his hand and we were able to get him on his stomach and basically pull his hands behind his back and handcuff him."*¹⁵⁶

Officer Messenger – Firm Grips, Physical Force, Body Weight

- According to Officer Messenger, as he approached Britton, Officer Messenger observed Britton attempt to strike Officer Hernandez and Officer Hernandez utilize his leg to block Britton's strike. Officer Messenger immediately moved forward and grasped Britton's right bicep and right wrist and attempted to place Britton's arm behind his back. As this occurred, Britton attempted to lift his body up from the ground while swinging his arms.

¹⁵⁴ Officer Hernandez 2nd Interview, Page 36, Lines 8-22.

¹⁵⁵ Officer Hernandez 2nd Interview, Page 36-37, Lines 23-25 and 1-9.

¹⁵⁶ Officer Hernandez 2nd Interview, Page 37, Lines 14-17 and 21-24.

Officer Messenger recalled, *"Just as I get in, I can see the suspect kind of throwing a right hand towards Officer Hernandez, and I saw Officer Hernandez's leg come out in front of me to try to block that. And I just simply moved up, grabbed his - - grabbed his right arm. He was like stiff as a board. Took me a long time to get his arm even just parallel with his - - the side of his body. Once I got his right arm - - yeah, right - - right arm parallel with his body, I was trying to get a good wrist lock on him with finger flex, and he was just keeping his - - his right hand just clenched tight."*¹⁵⁷

According to Officer Messenger, he was able to maintain control of Britton's right arm as Britton was repositioned to his stomach. Britton continued to resist the officers by moving his body. Officer Messenger utilized his right shoulder to place his body weight onto the rear of Britton's right shoulder in order to control Britton's movement against the floor.

Officer Messenger recalled, *"Could not get his hand open. But I felt comfortable I could get a set of handcuffs on him. So I got a set of handcuffs on his right arm. And I just kept my body weight on him assuming that the rest of the team was going to be coming in here to give us a hand."*¹⁵⁸

*"I had my metal handcuffs on his right hand. I communicated that. I said to somebody, 'I've got cuffs on his right hand.' And from there, just muscled his arm behind him and he was handcuffed. I believe I could hear TASERS going off as well. Just because he - - he was like - - took - - literally locked up like stiff as a board and was resisting. But we eventually got him handcuffed."*¹⁵⁹

*"That was with my right shoulder - - just keeping his upper body down on the rack."*¹⁶⁰

*"With his - - my right shoulder, the front of my right shoulder was on the back of his right shoulder."*¹⁶¹

Officer Peery – Firm Grip, Wrist Lock, Body Weight

- According to Officer Peery, he moved up as Officers Hernandez and Messenger were making initial contact with Britton. Officer Peery grasped Britton's left ankle and assisted with controlling Britton's movement.

¹⁵⁷ Officer Messenger, Page 21-22, Lines 17-25 and 1-7

¹⁵⁸ Officer Messenger, Page 22, Lines 8-12.

¹⁵⁹ Officer Messenger, Page 22, Lines 17-24.

¹⁶⁰ Officer Messenger, Page 44, Lines 5-6 and 8-9.

¹⁶¹ Officer Messenger, Page 44, Lines 12-14.

Officer Peery recalled, *"And as I could see the officers making contact with the suspect, I also moved up to help control the suspect with Bruce Adam. So we moved up. As officers were dealing with the torso of the suspect, Bruce and I controlled the legs. I grabbed - - grabbed the legs. Bruce eventually grabbed the left leg and I grabbed the right, and we just attempted to control the legs."*¹⁶²

According to Officer Peery, as Britton continued to physically resist, Officer Peery utilized his body weight to assist with controlling Britton's body against the floor. Officer Peery then assisted with repositioning Britton's left arm behind his back and utilized a wrist lock to maintain control of Britton's left arm so his left wrist could be handcuffed. During this time, Britton continued to squeeze and grab at anything he could.

Officer Peery recalled, *"So while we were fighting with the suspect, the suspect was, again, noncompliant, continued to fight us. I also helped move the suspect's left arm behind his back, and Mike Messenger and some other officers were controlling the right arm."*¹⁶³

*"Because when I was assisting to get the suspect's left hand - - left arm behind his back, I grabbed on the wrist and the elbow simultaneously and used somewhat of a - - like an arm bar or wrist lock to pin the suspect's hand against his body."*¹⁶⁴

*"Suspect's arm. So - - and I don't recall - - I was - - I moved from the legs to the arm at some point. And Bruce kind of took over more of the legs as I did that. So I kind of, again, kept my body weight on the suspect and kind of worked up towards the upper body and assisted with pulling the arm and holding it in position behind his back just so that the handcuffs could be applied."*¹⁶⁵

*It was more my intention just to apply a strong grip and pressure to control, rather than a true joint lock. And, yeah, at some point I did use both hands on his arm to apply pressure and a firm grip. The suspect was using his hands to try and grab us. So I was - - I had to work kind of a little higher on the wrist to avoid - - avoid the suspect's hands, because he continued to squeeze and grab at anything he could."*¹⁶⁶

¹⁶² Officer Peery, Pages 35-36, Lines 21-25 and 1-2

¹⁶³ Officer Peery, Page 37, Lines 1-5.

¹⁶⁴ Officer Peery, Page 53, Lines 9-13.

¹⁶⁵ Officer Peery, Pages 53-54, Lines 21-25 and 1-3.

¹⁶⁶ Officer Peery, Page 54, Lines 13-21.

Officer Adam – Firm Grip, Body Weight

- According to Officer Adam, he moved into the attic with Officer Peery and utilized his hands to apply a firm grip to hold Britton's ankles down and maintain control of his legs. Officer Adam utilized his body weight to control Britton's legs as Britton continued to resist and move around. Officer Adams stated that Britton was able to lift him up using his legs.

*Officer Adam recalled, "But Peery and I came through the window area of the attic, and we went and assisted with taking the suspect into custody. My job during that process was using - - I took my hands, I grabbed onto the suspect's legs and thigh areas, and I used body weight in order to control the suspect."*¹⁶⁷

*"Eventually Officers Hernandez, Burroughs, and Messenger got control of the suspect's arms. He was cuffed up. He was still resisting this entire time. He was attempting to kick and pull away from officers."*¹⁶⁸

*"He was on his stomach, I believe, sir. But I'd have to refer to the - - to the video, because I held on to his calves and his ankles."*¹⁶⁹

*"The suspect was extremely rigid, extremely strong. He actually was able to lift me up with using his legs. And I was using - - I was using all my strength in order to control his legs so they wouldn't get loose and start kicking my fellow - - myself or my fellow officers."*¹⁷⁰

Officer Burroughs – Firm Grip, Wrist Lock, Physical Force

- According to Officer Burroughs, he stepped into the attic and immediately took control of Britton's left arm and hand and applied a firm grip and a wrist lock. Britton continued to resist officers by moving his body and trying to roll over. Officer Burroughs shortly thereafter handcuffed Britton's left wrist and assisted Officer Messenger with linking the handcuffs on Britton's left and right arms together to complete the handcuffing process. Britton continued physically resist and was fighting the officers, even after being handcuffed.

Note: According to the FID investigation, immediately after entering the attic to assist officers, Officer Burroughs utilized his left hand and placed it on the back of Britton's head as Britton was rising up and resisting officers.

¹⁶⁷ Officer Adam, Page 27, Lines 6-12.

¹⁶⁸ Officer Adam, Page 27, Lines 16-19.

¹⁶⁹ Officer Adam, Page 33, Lines 20-22.

¹⁷⁰ Officer Adam, Page 34, Lines 11-16.

Officer Burroughs recalled, *"I pass off my TASER to Rene Gonzalez, and then I step in the attic as well. I immediately go up and I take control of his left arm, left hand. Before - - before I went in, I passed my hard handcuffs off to Mike Messenger. So I go in, I take control of his right arm. He's trying to pull his arm under. So with my right hand, I come underneath and it's basically just a - - it's called a mengara control¹⁷¹. Basically come up underneath, you grab the wrist, and then just using my strength to take advantage of - - basically it's not a strong spot for anyone just having your arm going that way. But just to get his hand behind his back just so we can cuff. So basically it's a firm grip twist lock, wrist lock. And then we finally get his hand behind his back. He's struggling. We're verbalizing with him the whole time."*¹⁷²

*"I've got - - I've got his left side. Mike Messenger is on his right. I put - - I don't even know where the handcuffs came from. Somehow I got a pair of handcuffs in my hand, but I handcuffed his left hand. Mike has his right hand handcuffed. And we used two sets, and we actually meet in the middle and handcuff him. He's still fighting with us even after he's handcuffed. He's trying to struggle. We get him handcuffed."*¹⁷³

*"I came in because he was starting to roll over. So I grabbed - - basically I shadowed his left shoulder, grabbed his left shoulder, got control of his arm, came underneath his arm and - - basically I came from underneath. So worked from his front to his back to gain control - - gain control of his hand. So I pulled his hand up from underneath. Kind of pulled it and straightened it out to basically handcuff and get his hand behind his back so we could handcuff him."*¹⁷⁴

*"I'm not sure how he had his legs. I know they were trying to keep his legs flat, because he - - like I said, he kept trying to roll over. So just trying to keep them extended so that he wasn't like, you know, curling up in a fetal position or turtling up, so - - because he was very strong, very rigid, very strong. Just to keep - - you know, keeping control of him, it was pretty challenging."*¹⁷⁵

As SWAT officers made physical contact with Britton, TASERs had been already utilized multiple times and Britton was laying on his back. Also, the environment had chemical agents already applied into the area in an attempt to have Britton exit the

¹⁷¹ The "Mengara Hold" described by Officer Burroughs has no official reference in the Department arrest and control training curriculum. The technique as described by the officer was a means to use physical force to reach underneath a suspect's concealed arm(s) to grab the wrist and use the officer's bodyweight as leverage to overcome the resistance of the suspect and free the arm for handcuffing.

¹⁷² Officer Burroughs, Pages 27-28, Lines 13-25 and 1-6.

¹⁷³ Officer Burroughs, Page 28, Lines 7-16.

¹⁷⁴ Officer Burroughs, Page 55, Lines 4-13.

¹⁷⁵ Officer Burroughs, Page 57, Lines 17-25.

structure. Britton continued to be uncooperative with commands to stop resisting and surrender. The officers were working to resolve the incident and take Britton into custody. The UOFRB noted that Britton continued to refuse to comply in anyway and attempted to strike Officer Hernandez with his closed fists as Officer Hernandez made an effort to grasp Britton's wrists. Additionally, Britton attempted to kick his legs and resist the officers. Britton continued to actively physically resist as SWAT officers utilized non-lethal force to control and overcome Britton's resistance.

The UOFRB considered that Britton had, throughout the entire incident, refused to comply with the direction of SWAT officers. Even after he was placed into handcuffs, Britton continued physically resist the SWAT officers and also curse and berate them. The SWAT officers utilized the minimal amount of force necessary to control Britton's resistance and continued to verbalize to Britton to stop resisting.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Adam, Burroughs, Hernandez, Messenger, and Peery, while faced with similar circumstances, would reasonably believe that this same application of non-lethal force would be reasonable to overcome Britton's resistance.

Therefore, the Chief found Officers Adam, Burroughs, Hernandez, Messenger, and Peery's Non-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

Less-Lethal Use of Force¹⁷⁶

- *Whenever practicable, officers shall exercise de-escalation techniques to resolve potential use of force incidents and seek voluntary compliance from suspects/subjects.*

The courts have held that Less-Lethal force options are "capable of inflicting significant pain and may cause serious injury." Therefore, consistent with the Department's Use of Force Policy, Less-Lethal force options are only permissible when:

- *An officer reasonably believes the suspect or subject is violently resisting arrest or poses an immediate threat of violence or physical harm.*

Less-Lethal force options shall not be used for a suspect or subject who is passively resisting or merely failing to comply with commands. Verbal threats of violence or mere non-compliance by a suspect do not alone justify the use of Less-Lethal force.

- **TASER:** *An officer may use the TASER as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.*

¹⁷⁶ Los Angeles Police Department Manual, Volume 1, Section 556.10.

Because the Department recognizes that each tactical situation is unique and that officers must be given the flexibility to resolve tactical situations in the field, there is no pre-set limit on the number of times the TASER can be used in a particular situation; however, officers should generally avoid repeated or simultaneous activations to avoid potential injury to the suspect. The Department looks to the “objectively reasonable” standard and the totality of the circumstances in determining the reasonableness of the force used, which may include the number of times a particular force option was utilized. Thus, officers must continually evaluate the situation they are in and the apparent effectiveness of the force option they have selected. If the force option they have selected does not appear to be effective, officers should consider transitioning to another, and potentially more effective, objectively reasonable force option.

The optimal range for the X-26 TASER is 7-15 feet. This range gives the most effective spread of the probes to accomplish neuro-muscular incapacitation (Los Angeles Police Department Use of Force Tactics Directive No. 4.5, Electronic Control Device TASER –July 2018).

- **40mm LLL:** *An officer may use the 40mm Less-Lethal Launcher (40mm LLL) as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.*

The 40mm LLL shall not be used to target the head, neck, face, eyes, or spine unless lethal force is authorized. The minimum recommended deployment range for the 40mm LLL is five feet, while the effective deployment range is up to 110 feet. Officers should always consider weapon retention principles when deploying the 40mm LLL to prevent a subject/suspect from gaining control of the launcher (Los Angeles Police Department Use of Force Tactics Directive No. 17, 40mm Less-Lethal Launcher –July 2018).

Officer Burroughs – Sting-Ball Grenade

- According to Officer Burroughs, a tactical plan was developed to approach the attic opening where insulation was placed over the Eyeball camera and deploy a Sting-Ball Grenade, which is specifically designed to be deployed in a confined environment, to see if a reaction could be generated from Britton and have him surrender. Officer Burroughs threw it around the corner, and it deployed; however, Britton did not respond. Officer Burroughs did not hear any coughing or indication that Britton was affected.

Officer Burroughs recalled, “*Stinger grenade is specifically designed for that - - confined space.*”¹⁷⁷

¹⁷⁷ Officer Burroughs, First Interview, Page 18, Lines 19-20.

“So you pull the pin, toss the grenade in there. You get a small concussion and then these little rubber BBs. Thinking that we’re going to get, a pain compliance and, by altering the environment with the CS. So, got the go-ahead for that. Pulled the pin, kind of - - I threw it around the corner with my - - my hand where I believed he was at. It went off. Desired effect but nothing from him. Not a - - not an ow, not coughing, nothing.”¹⁷⁸

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officer Burroughs Less-Lethal Use of Force utilizing the Sting-Ball Grenade. The UOFRB noted Britton was believed to be concealing himself in the southern portion of the attic and would not respond or comply with commands to surrender. Britton was believed to be armed with a firearm. Prior to the use of the Sting-Ball Grenade, SWAT officers had deployed CS and OC gas into the area which had no effect on Britton. A tactical plan utilizing the Sting-Ball Grenade was discussed by Lieutenant Lopez, Sergeants Colomey and Porter, and Officer Hernandez which was ultimately approved by Captain Neal, the IC. Officer Burroughs deployed the Sting-Ball Grenade once the tactical plan was approved and initiated.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Burroughs while faced with similar circumstances, would believe that this same application of less-lethal force would be reasonable to effect Britton’s arrest.

Therefore, the Chief found Officers Burroughs’ Less-Lethal Use of Force utilizing the Sting-Ball Grenade to be objectively reasonable and In Policy, No Further Action.

Officer Martin – 40mm Less-Lethal Launcher, one foam-round from an approximate distance of approximately 8 feet.

- According to Officer Martin, he observed Britton ignore commands as Britton attempted to grab the mirror away from Officer Perez. Officer Martin observed there were openings in the attic and believed that Britton could utilize the tactic mirror’s telescoping pole to push, punch, and jab officers, potentially causing them to fall through the ceiling. Officer Martin placed his 40mm LLL in a high ready position, with the muzzle pointed towards the kitchen ceiling opening. Officer Pultz acted as his lethal cover officer while Officer Perez maintained the mirror in an upright position. As Britton returned and attempted to grab the mirror once again, Officer Martin fired one 40mm foam round from a standing position towards Britton with the 40mm LLL aimed at Britton’s abdomen area. Officer Martin fired the 40mm LLL to prevent Britton from arming himself with the mirror which had a long stiff handle that’s attached to it and could be used as a weapon against officers.

¹⁷⁸ Officer Burroughs, First Interview, Page 19, Lines 1-10.

Officer Martin recalled, *"The suspect ignored commands, attempted to grab, and I believe he did the first time grab the mirror as well. I believe it was either shook loose or - - or whatnot, but the suspect was not able to obtain the mirror. And he redeployed, or he re-went back to the two side. Like I said, I had the less lethal out now. The suspect then comes back. They announce he's coming back. As he's reaching out, and the best of my recollection, he had one hand, if not two, on the mirror. His abdomen was exposed to the opening that was cut in the ceiling. In order to prevent him from arming himself with the mirror, which has a long stiff handle that's attached to it that can be used just like any stick or pole against our guys on the second floor, as well as down on the first floor, I immediately fire one round of the 40 to his - - aimed at his abdomen area. I believe I struck him in that area because the suspect let out a, like a - - a grimace. Like a, "Oh." And then re - - went out of sight to the two-side."*¹⁷⁹

*"Well, it's - - it's - - it's - - it's not a metal but it's like a stiff material pole that the mirror is attached to. It can be lengthened. And that pole specifically, I don't know exactly how long it can be lengthened to, but had the suspect been familiar with the workings of a pole, and I believe it's just like a painter's pole, which I believe most people would have the knowledge of, it can be lengthened to upwards of 10 feet. There were officers that ultimately were near or in the attic. There was openings in the attic. The suspect could use that to like push, punch, you know, jab officers, possibly causing them to fall through the rafters. Could also now, because he's above us, could use it as a - - a pushing or prodding device on the officers, including myself, on the first floor. Like I said, because it was well long enough to - - to touch or get at - - reach out and touch people on the first floor, as well as officers in the distance on the second floor. And I know that if I had it, it would definitely be a weapon. And I believe that it would be a weapon in the suspect's hands as well. And when he reached out for that is where I believed he was going to arm himself with that in an attempt to hurt us, as he previously stated he wanted to do, so I fired my one round in order to prevent him from arming himself with the mirror."*¹⁸⁰

*"I would say he was approximately 8 to 10 feet away."*¹⁸¹

*"Not - - no. Not prior. Just a statement earlier where I had asked him to see his hands so that he could submit to arrest. But prior to the 40, no. It - - his - - he was already reaching out and grabbing the mirror, and I did not have time to do so. It was not feasible based on timing."*¹⁸²

¹⁷⁹ Officer Martin, Pages 26-27, Lines 11-25 and 1-6.

¹⁸⁰ Officer Martin, Pages 47-48, Lines 3-25 and 1-4.

¹⁸¹ Officer Martin, Page 48, Lines 8-9.

¹⁸² Officer Martin, Page 48, Lines 12-16 and 19-20.

Officer Peery – 40mm Less-Lethal Launcher, one sponge round from an approximate distance of approximately 12.6 feet.

- According to Officer Peery, he maintained his position on the second floor near the west side of the attic opening. Officer Peery observed Britton grabbing at the mirror which was being utilized by officers in an attempt to locate Britton through the kitchen ceiling opening from the first floor. Officer Peery observed Britton aggressively fighting officers down below who are using the mirror. Officer Peery observed that Britton was grabbing at the mirror and kind of either trying to pull it in or shove it out. Officer Peery utilized a narrow window of opportunity in which he had a narrow view of Britton, to fire one 40mm foam round from a standing position towards Britton's upper/middle torso with the 40m LLL, in an attempt to stop Britton's aggressive actions.

Officer Peery recalled, *"It appeared that he was trying to grab the mirror. And the mirror was actually positioned through the opening in the ceiling from down below on level one. So there was an officer using that - - the mirror to try and locate the suspect. And it looked like the suspect moved up to the opening to try to grab the mirror, but then immediately went back to the other side to the left side. And then a few minutes go by and, you know, we're still holding on the opening. The suspect comes back to the right side. At this point I have a clear view of the suspect, and he's definitely grabbing at the mirror and trying to either pull the mirror up to himself or shove it back down, but he's kind of aggressively fighting with officers down below who are using the mirror. And I had limited view of the suspect, but I could clearly see everything from at least his waist up. And he was moving."*¹⁸³

*"I was on the 40-millimeter, and I fired one 40-millimeter projectile. Based on where I was holding and his movement when the shot was fired, I was aiming for his upper/middle torso, but I believe that the shot would have hit him either on his right shoulder or right arm as he was fighting with the mirror. He didn't seem to be affected by it, but he did stop fighting with the mirror and, again, retreated to the left side of the attic."*¹⁸⁴

"No. Initially the 40-millimeter, no. He came into view for a brief amount of time and I had intended to fire a 40, but he quickly escaped from view and I wasn't able to do it, and he went back to the left side of the building. The next approach he came back to the spot where the mirror was, and I was discussing how he was grabbing at the mirror and kind of either trying to pull it in or shove it out. I couldn't tell which. But there wasn't time to give a warning. And he wouldn't have - - in my - - from my perspective, even responded to it just because of all that was going on at the time. So I had a narrow window of opportunity and a narrow view of the suspect as well and only what I perceived as a brief moment to act. I believe that the 40 may have

¹⁸³ Officer Peery, Page 33, Lines 7-25.

¹⁸⁴ Officer Peery, Page 34, Lines 1-9.

been effective if I had hit the suspect as, you know, pain compliance. So I fired one round. And, again, like I had said, it didn't appear to be effective at all. Like the suspect didn't buckle or, you know, collapse or anything that I would have expected from seeing 40s hit previous suspects.”¹⁸⁵

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officer Martin and Peery's Less-Lethal Use of Force utilizing the 40mm LLL. The UOFRB noted that Officer Martin was positioned on the first floor acting as less-lethal cover as Officer Perez utilized a tactical mirror through the first floor kitchen ceiling opening in an attempt to locate Britton. Officer Peery was positioned on the second floor west side attic entrance acting as less-lethal cover. The UOFRB considered that both Officers Martin and Peery observed Britton, who was moving from one side of the attic to the other, grab a hold of the tactical mirror that was being utilized by Officer Perez from the first floor. Both Officers Martin and Peery observed Britton attempt to pull the tactical mirror from Officer Perez's grasp and believed Britton could then utilize the tactical mirror as a weapon.

Both Officers Martin and Peery nearly simultaneously discharged one sponge round each from their respective 40mm LLL in order to stop Britton's attempt to grab and arm himself with the tactical mirror. After assessing immediately after they each fired their single round, Officers Martin and Peery observed Britton cease his attempts to grab the tactical mirror and then observed Britton move further west into the confined attic space.

Based on the totality of the circumstances the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Martin and Peery, while faced with similar circumstances, would believe that the same application of less-lethal force would be reasonable to protect themselves and others, and to effect Britton's arrest.

Therefore, the Chief found Officers Martin and Peery's Less-Lethal Use of Force utilizing the 40mm LLL to be objectively reasonable and In Policy, No Further Action.

Officer Burroughs – TASER, eleven activations, all in probe mode.

- **First TASER Activation** – One five-second activation in probe mode, from an approximate distance of eleven feet.

According to Officer Burroughs, he observed Britton moving back and forth between the west and east sides of the attic. Britton was attempting to conceal himself, his hands haven't been seen yet, and there were still two outstanding handguns that were registered to him that had not been located. Britton began throwing insulation at Officer Burroughs at which time Officer Burroughs utilized his TASER in probe mode and targeted Britton's left side which was the only part of Britton's body which

¹⁸⁵ Officer Peery, Page 40-41, Lines 19-25 and 1-16.

was visible to him. Officer Burroughs activated his TASER based on his determination that Britton was combative, Britton was violent, an OIS already had occurred, and two guns were outstanding. Additionally, Officer Burroughs believed he needed to protect his fellow officers, control Britton's unencumbered movement and prevent Britton from possible arming himself.

Note: According to the FID investigation, Officer Burroughs indicated he was approximately 3-4 feet when he activated the TASER.

Officer Burroughs recalled, *"And the suspect's running back and forth from the left to the right across the attic."*¹⁸⁶

*"So he keeps trying to conceal himself. His hands haven't been seen yet, so there's a concern there. And then there were still two outstanding handguns that were registered to him that were a concern too. And we hadn't located either one of those, so it was believed that he may have one or both of those as well."*¹⁸⁷

*"He creates a big enough opening where I can get in with the TASER, close enough to get an effective shot on the suspect, but the suspect's throwing - - he's throwing insulation at me. So it's making - - I can't get quite a good press for that, because all I had was his face. I didn't have his entire body. So at one point he turns to go back the other direction, and I ended up tasing him - - I believe it was on his - - I want to say it was his - - on his left side. So I had basically his left flank shoulder to his hip, so I aimed right in between those. Had a connection, could hear him screaming, so I knew I had contact."*¹⁸⁸

*"So from the onset from when I made the decision to tase the suspect and just based that he was combative, he was violent, an OIS already had occurred, we still had two guns that I knew of that were outstanding which I didn't know if he was trying to arm himself or he was already armed because I couldn't see either of his hands. He was throwing insulation at me, as you can see in the video. So at the point, I determined that I needed to tase him to protect my fellow officers and, you know, just based on him running back and forth out of sight. Once the initial activation occurred, I assessed after every activation after that."*¹⁸⁹

"Even though I tased him, the TASER did not have the desired effect. It didn't lock him up. It slowed him down but he was still fighting through it... He was still moving back and forth. He did not go down right in front of me. And when I - - when I tased

¹⁸⁶ Officer Burroughs 1st Interview, Page 24, Lines 22-24.

¹⁸⁷ Officer Burroughs, 1st Interview, Page 25, Lines 6-7 and 16-20.

¹⁸⁸ Officer Burroughs, 1st Interview, Pages 25-26, Lines 24-25 and 1-12.

¹⁸⁹ Officer Burroughs, 2nd Interview, Pages 5-6, Lines 20-25 and 1-7.

him, he was about three to four feet from me and he was turning away from me to move back towards the two side.”¹⁹⁰

- **TASER Activations 2 through 11** – Ten five-second activations in probe mode.

According to Officer Burroughs, he activated his TASER ten additional times during the encounter as Britton continued to fight through each activation. Officer Burroughs did not specifically recall each TASER activation, however he stated he was assessing between each deployment and he was activating his TASER in order to attempt to control Britton’s movement by not giving him the ability to lie in wait or to arm himself or anything like that. Officer Burroughs noted he didn’t want to lose sight of Britton, and wanted to slow or incapacitate Britton utilizing his TASER, recognizing that the only remaining option available to the SWAT officers was going hands on which was unsafe due to Britton potentially being armed or arming himself. Officer Burroughs stated that he did not have another option at that point other than utilizing his TASER since the SWAT officers had exhausted their inventory of deployable equipment. Officer Burroughs additionally stated he activated his TASER based on his fear Britton would be able to make his way over to an area where he had one of those two outstanding pistols. Officer Burroughs continued to activate his TASER in order to slow him (Britton) down to the point to where officers could safely go hands on with Britton.

Officer Burroughs recalled, “He keeps fighting through the TASER, keeps moving. He’s screaming, but he’s still moving, so basically ineffective. He moves to the other side. I believe he gets hit with some less lethal over there, TASER, 40. He starts coming back towards us. I’m still - - I’m still giving him five-second rides just continuously just to slow him down. I really wasn’t counting during the incident. I think after reviewing body-worn and download, I think it was like eleven. But I deployed the TASER as much as I thought necessary just due to the fact that it was having very little effect on him. It was slowing him down, but it wasn’t stopping him.”¹⁹¹

“Yeah, I was assessing between every deployment. And that was the reason for continuing to tase him, because it was -- it was slowing him down, but not to the point where we felt safe enough to go hands on. And that’s why we cut layers of less lethal on him to basically slow him down to the point where we felt safe enough to go hands on.”¹⁹²

“So that common wall is the wall he was running along and trying to basically conceal himself from us. And then when he would have contact with us or we knew he knew we saw him, that’s when he would start throwing insulation and stuff, you

¹⁹⁰ Officer Burroughs, 2nd Interview, Page 6, Lines 12-14 and 19-22.

¹⁹¹ Officer Burroughs, 1st Interview, Pages 51-52, Lines 20-25 and 1.

¹⁹² Officer Burroughs, 1st Interview, Page 52, Lines 4-11.

know, trying to basically mask his movement - - what I thought he was trying to do. But my fear was is that he would try to get back over to that corner where my belief was is that he might have had one of those two outstanding pistols over there in that corner with him. But him moving around, it wasn't giving him the ability to lie in wait or to arm himself or anything like that. So we're porting the walls and we're keeping him moving, either with less lethal or verbalizing or something like that. It's not allowing him the ability to make a plan, so..."¹⁹³

*"I didn't want to lose sight of him. I wanted to whether it be slow or to incapacitate him, which a TASER is supposed to do. It didn't fully do that. It slowed him down by means that my teammates were able to employ other less lethal on him to slow him down to the point to where we could go hands on with him. During that time, I was assessing between every single activation to the point to where we could go up and use another option which was going hands on, which that was kind of where we were at. We didn't have another option at that point. We had exhausted our inventory."*¹⁹⁴

*"I didn't count each TASER activation. I activate my TASER based on the assessment I was making at the time, based on what the suspect was doing, how he was moving, and then the tactical plan to move onto the next tactical move which was go hands on. I wasn't going to give up my TASER activation to allow him to get up and, A, arm himself, or, B, put himself in a better position to fight the officers that are going to come up to take him into custody. So that was my mind set at the time. At the point that they went hands on..."*¹⁹⁵

*"So I never lost sight of him, but I also did not have complete sight of his entire body. I'd catch a foot or an arm. Mind you, I'm hanging halfway into the attic while I'm tasing him because I don't want him to break the leads on the TASER because I don't know how far he's going to go. So my head and my arm are inside the attic. I'm tasing - - I'm, you know, giving each TASER activation even though he's still moving. So based on his movement, he's moving towards guys, I don't know what he's doing. I don't know what his mindset is, but I know the TASER, he's - - I know the TASER's having some effect on him. Obviously, because he's screaming and it's slowing him down. But each activation, he's - - I think - - I think once he had - - once he had seen that, you know, there's other less lethal coming his way from the other side, he started coming back towards us. My thought was is I'm not going to - - I'm not going to give up what I've gained so far."*¹⁹⁶

¹⁹³ Officer Burroughs, 1st Interview, Page 52, Lines 2-18.

¹⁹⁴ Officer Burroughs, 2nd Interview, Page 6-7, Lines 25 and 1-12.

¹⁹⁵ Officer Burroughs, 2nd Interview, Page 11, Lines 14-24.

¹⁹⁶ Officer Burroughs, 2nd Interview, Pages 12-13, Lines 7-25 and 1.

In this case, the UOFRB considered several factors during their assessment of the use of the TASER and the number of TASER activations by Officer Burroughs. The UOFRB noted the circumstances and tactics that had been attempted as well as Britton's refusal to comply with commands to surrender throughout the incident. The SWAT officers had attempted to resolve the incident with only the minimal force necessary by establishing verbal communication through CNT as well as utilizing CS gas, robots, OC gas, tactical mirrors, an Eyeball camera, thermal readers, a Sting-Ball Grenade, and 40mm LLL rounds prior to utilizing the TASER. The UOFRB considered that all these tactical options had been implemented over an approximate eight-hour period and that an OIS occurred as the SWAT officers attempted to locate Britton in the south portion of the attic on the second floor.

The UOFRB noted the SWAT officers had attempted to utilize all the tactical options they had which were all ineffective and when visual contact was made with Britton, he was in an unsearched area of the residence, was believed to be armed, and leaving cover to approach and make physical contact would place them at a tactical disadvantage. The UOFRB considered Officer Burroughs observations that Britton was attempting to conceal himself, his hands were not visible, and the two handguns registered to him had not been located. Officer Burroughs activated his TASER in an attempt to control Britton's movement and prevent Britton from possible arming himself. The UOFRB noted Officer Burroughs activated his TASER an additional ten times as Britton continued to move unconstrained in order to control Britton's movement into an unsearched area where Britton could potentially arm himself. Officer Burroughs advised he was assessing through each activation and intended to secure additional time for additional SWAT officers to gain entry into the attic and make physical contact with Britton.

Based upon the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Burroughs, while faced with similar circumstances, would believe the applications of the TASER to stop Britton's actions was objectively reasonable.

Therefore, the Chief found Officer Burroughs' Less-Lethal Use of Force utilizing the TASER to be objectively reasonable and In Policy, No Further Action.

Sergeant Colomey – TASER, nine activations, all in probe mode.

- **First TASER Activation** – One five-second activation in probe mode, from an approximate distance of 12.5 feet.

Note: According to the FID investigation, Sergeant Colomey indicated he activated his TASER from a decreasing distance of 5-2 feet.

According to Sergeant Colomey, he observed Britton through the port Officer was covering. Sergeant Colomey observed Britton was moving around the attic and began charging towards both him and Officer Ng at a full sprint. Sergeant Colomey

was not able to clearly see his hands and tried to de-escalate the situation and to stop his (Britton) advance towards the port they were covering. Sergeant Colomey advised, he was focused on Britton's hands, however, he had very little visual because of the gas mask and the port opening he was looking through was only a foot by foot. In addition to Britton's actions, Sergeant Colomey heard Britton yelling, "I'll kill you. Get the fuck out of here." Sergeant Colomey utilized his TASER in probe mode, targeting Britton's center body mass in order to stop Britton's aggressive movement towards him and Officer Ng and in order to stop what Sergeant Colomey believed was a potential OIS situation.

Sergeant Colomey recalled, *"As the suspect was - - I could hear the suspect being tased on the two side and all of a sudden, he did come did across as trying to escape again and presented himself on my side. I activated the TASER and struck him with a TASER at that point."*¹⁹⁷

*"In order to decrease, or to stop the use of deadly force, I have Bruce toss me his TASER. Bruce gets it to me. I go to the TASER to the port where Officer Ng has the lethal coverage. And I implement the TASER darts at the suspect. And it has the desired effect that it does cause him to, you know, go down, but he doesn't stop."*¹⁹⁸

"And I could actually look through the port that Howard Ng was covering lethal coverage, and I saw the suspect coming towards Howard. You couldn't see his hands. He had like insulation in him. And I felt that we could have an OIS based on the actions of the suspect. And what he was yelling was still was, 'I'll kill you. Get the fuck out of here.'" ¹⁹⁹

*"And then for that reason, in order to stop what I thought a potential OIS, tried to de-escalate the situation, I activated the TASER, and it did have the desired effect. I shot it from Howard Ng's port. And the minute it struck the suspect, he did stop his advance on that port with Howard and fell backwards. He immediately - - this individual, and like I had explained earlier, had gone through a tremendous amount of pain. Pain was not affecting him more than likely because of mental illness. He just had no indication. The only reason the TASER worked was because it immobilized his muscles."*²⁰⁰

"I could not see his hands. He had at that point lifted up what appeared to be the yellow insulation, and what it appeared to me what he was going to go was shove that insulation into the - - where the port, the hole that we made, because he was

¹⁹⁷ Sergeant Colomey, 1st Interview, Page 13, Lines 5-9.

¹⁹⁸ Sergeant Colomey, 2nd Interview, Page 54, Lines 2-7.

¹⁹⁹ Sergeant Colomey, 3rd Interview, Page 10, Lines 18-25.

²⁰⁰ Sergeant Colomey, 3rd Interview, Page 11, Lines 5-16.

*charging towards. When I say charging, he was bent over at the waist by coming at a full sprint, almost like an L-shape, with that insulation almost in front of him. So all I could see was sort of his head and just like his hands like in a - - holding something yellow in front of him, which I pretty much knew was insulation. I knew what he was going to try to do was shut down that visual, which would have been very dangerous for us not to be able to see what he's doing in there, did he have access. So that was my goal to stop that."*²⁰¹

*"The TASER was aimed right at that insulation. So my focus, which is normal, was on those hands. I just remember I had very little visual because of the gas mask and it was fogged up. I really couldn't even see peripherally anything. The port itself was only a foot by foot."*²⁰²

*"So I was actually dealing with probably about a six-inch view through that port that I actually could see. So when I was looking through it and I could see him charging through it, I went for center body mass, which would have been right about where his hands were holding that insulation. And on that first activation, when it hit him, it did, and he immediately collapsed backwards, but it was almost like he bounced right back up into that L and started right back at us a second time."*²⁰³

*"It was probably - - it probably started off at five foot. And by the time he closed the distance to that port, it was probably down to two feet to a foot. He - - if he had reached his hand out, he would have been putting his hand through the port. It was about hand length at that point when the TASER actually hit him and he went backwards."*²⁰⁴

- **TASER Activations 2 through 8** – Seven five-second activations in probe mode.

According to Sergeant Colomey, he activated his TASER seven additional times during the encounter. Sergeant Colomey did not specifically recall each TASER activation, however, an assessment was done after each activation and he was activating his TASER due to Britton's movement towards him and because Sergeant Colomey still could not observe Britton's hands. Sergeant Colomey gave Britton multiple commands to stop and advised Britton that he did not want to hurt Britton, but Britton was refused to comply. Sergeant Colomey observed the TASER forcing Britton to the ground and having some effect on Britton's movement. Sergeant Colomey believed his TASER activations caused Britton to collapse and stop for that period of time which allowed Sergeant Colomey time to assess and observe Britton's actions to determine if additional activations or force was needed. Additionally,

²⁰¹ Sergeant Colomey, 3rd Interview, Pages 14-15, Lines 18-25 and 1-7.

²⁰² Sergeant Colomey, 3rd Interview, Page 15, Lines 14-19.

²⁰³ Sergeant Colomey, 3rd Interview, Pages 15-16, Lines 22-25 and 1-6.

²⁰⁴ Sergeant Colomey, 3rd Interview, Page 16, Lines 10-16.

Sergeant Colomey's intent was to force him Britton to return to side two (east), because Britton was not surrendering by any means and it was going to necessary for the officers on east side of the residence to initiate physical contact with Britton.

Sergeant Colomey recalled, *"Multiple times I reactivate it because he actually came towards me. I still couldn't see his hands. He had them like down in the insulation and lifted up the insulation and started shoving it like trying to block our visual into it. I reactivated the TASER again which caused him again to go towards the two side. As he did that, he did start going down into a prone position but continued to fight."*²⁰⁵

*"He actually advances on us and starts shoving stuff at the port hole where I'm at. When I say stuff, it looked like in - - the insulation, he was shoving at it. I reactivated the TASER. Again, I - - I'm giving him commands, multiple commands to stop, put his hands down. I told him I didn't want to hurt him. I told him I needed him to lay down."*²⁰⁶

*"So as the suspect then tries to pull back into a side I hit the TASER again, trying to keep him on side two, force him down. It is forcing to the ground."*²⁰⁷

*"So even though he wouldn't yell out with the TASER, it wasn't causing him pain, it did lock up his muscles. It did cause him to collapse and stop for that period of time, allow us to assess and stop, possibly using more force on him. The minute he fell, he immediately bounced back up. And an assessment was done by me. Within seconds, he was leaning forward, coming back towards Howard Ng. I reactivated the TASER again, possibly more than one time because each time I did it, he would - - it would have the reaction, the TASER affect him. You could see his body get rigid."*²⁰⁸

*"But then he would immediately, the minute the - - the burst was done, he would immediately come right back up and start advancing. I - - and the time of a minute, I think it was a minute, 29 seconds, for nine activations, during that time, that suspect was moving tremendously. Each activation caused him to change direction. So I reactivated the TASER numerous times to force him to basically go back over to side two, because he wasn't surrendering by any means. And it worked."*²⁰⁹

"And that's - - so each time I was activating, I was absolutely assessing it, and my goal was to get him to move to the other side. I was giving him commands each and

²⁰⁵ Sergeant Colomey, 1st Interview, Page 13, Lines 10-18.

²⁰⁶ Sergeant Colomey, 2nd Interview, Page 54, Lines 8-14.

²⁰⁷ Sergeant Colomey 2nd Interview, Pages 54-55, Lines 25 and 1-4.

²⁰⁸ Sergeant Colomey 3rd Interview, Pages 11-12, Lines 17-25 and 1-3.

²⁰⁹ Sergeant Colomey 3rd Interview, Page 12, Lines 5-11 and 19-21.

every single time to stop resisting, move over to the officers, and he clearly was not going to do that. So each time, each - - each one of those activations was assessed, and it was a goal in mind for each time I was doing it.”²¹⁰

- **Ninth TASER Activation** – One four-second activation in probe mode.

According to Sergeant Colomey, he utilized his TASER a ninth time approximately 33 seconds after his eighth activation due to him hearing other officers state, ““Hey, I can’t get his arms. I can’t get his arms. He’s pulling backwards.” Sergeant Colomey believed Britton was actively resisting the SWAT officers who were attempting to handcuff him, the attic floor was weakened and could collapse, and observed Britton’s legs start scrunching back up as though it was an attempt to force - - resist arrest and pull back from officers. Sergeant Colomey utilized his TASER in order to immediately stop Britton’s resistance as time was a factor in preventing both Britton and the officers from falling to the first floor. Sergeant Colomey deactivated his TASER prior to the complete five second cycle due to observing Officer Adam about to make physical contact with Britton’s legs.

Sergeant Colomey recalled, “What I am seeing, my - - visual is still all of a sudden the suspect’s feet come back into my visual. And I can hear the officers yelling, “Hey, I can’t get his arms. I can’t get his arms. He’s pulling backwards.” He was pulling back into my - - field again. I had multiple issues going on that I was evaluating at the time, which was - - one of them was I knew the - - the floor was giving. Someone had already said, “Hey, the - - the - - he’s punching - -” not deliberately, but his feet were propping through the floor that we were going to have a cave-in up there. As his feet came back into my visual, it came all the way down to about his knees just below his hip. And I could see his legs start scrunching back up as though it was an attempt to force - - resist arrest and pull back from the officers. I - - for that reason - - I know time was not on our side because of that floor – I activated the TASER again because, up until that point and including that point, the only tool that worked on him to stop his resistance was the TASER. Nothing else worked. And the - - the effect was immediately. I activated the TASER, and he immediately flops back down to the ground.”²¹¹

“During that activation, as I mentioned in prior interviews, my visual was extremely limited. I could basically just focus on him. The amount of gas that was in there, my gas mask was completely fogged up, also. But out of my very - - very last minute, out of my peripheral vision, I see Bruce Adam enter into my visual while I was activating the TASER. He was coming from the fourth side to take the last bit of threat the suspect had, which was the use of his legs. The minute I see Bruce enter into it, I de-activate the TASER. That’s probably what caused the - - well, that is what caused the shorter TASER activation.”²¹²

²¹⁰ Sergeant Colomey 3rd Interview, Page 13, Lines 2-9.

²¹¹ Sergeant Colomey, 4th Interview, Pages 7-8, Lines 5-25 and 1-5

²¹² Sergeant Colomey, 4th Interview, Page 8, Lines 6-27 and 19-21.

The UOFRB considered several factors during their assessment of the use of the TASER and the number of TASER activations by Sergeant Colomey. The UOFRB noted the circumstances and tactics that had been attempted as well as Britton's refusal to comply with commands to surrender throughout the incident. The SWAT officers had attempted to resolve the incident with only the minimal force necessary by establishing verbal communication through CNT as well as utilizing CS gas, robots, OC gas, tactical mirrors, an Eyeball camera, thermal readers, a Sting-Ball Grenade, and 40mm LLL rounds prior to utilizing the TASER. The UOFRB considered that all these tactical options had been implemented over an approximate eight-hour period and that an OIS occurred as the SWAT officers attempted to locate Britton in the south portion of the attic on the second floor.

The UOFRB noted the SWAT officers had attempted to utilize all the tactical options they had which were all ineffective and when visual contact was made with Britton, he was in an unsearched area of the residence, was believed to be armed, and leaving cover to approach and make physical contact would place them at a tactical disadvantage. The UOFRB considered Sergeant Colomey's statement that he activated his TASER due to his inability to clearly see Britton's hands, to prevent Britton's aggressive movement towards himself and Officer Ng, and to de-escalate a potentially lethal force situation. Additionally, Sergeant Colomey continued to activate his TASER in order to attempt to control Britton's movement and to force him to move back towards the east side of the attic in order for additional SWAT officers to take him into custody. The UOFRB noted Sergeant Colomey's last TASER activation was approximately 33 seconds after his 8th activation and considered Sergeant Colomey's observation that Britton was struggling with officers and was actively moving his legs to resist officers. Sergeant Colomey utilized his TASER in order to stop Britton's resistance and allow SWAT officers to swiftly gain control of Britton. The UOFRB noted Sergeant Colomey deactivated his TASER prior to the complete five second cycle due to observing Officer Adam about to make physical contact with Britton's legs.

Based upon the totality of the circumstances, the UOFRB determined, and the Chief concurred, that a Sergeant with similar training and experience as Sergeant Colomey, while faced with similar circumstances, would believe the applications of the TASER to stop Britton's actions was objectively reasonable.

Therefore, the Chief found Sergeant Colomey's Less-Lethal Use of Force utilizing the TASER to be objectively reasonable and In Policy, No Further Action.

Officer Gonzalez – TASER, five activations, all in probe mode.

- **First TASER Activation** – One five-second activation in probe mode, from an approximate distance of nine feet.

Note: According to the FID investigation, Officer Gonzalez indicated he was approximately 5-10 feet when he activated the TASER.

According to Officer Gonzalez, he observed Officer Burroughs deploy a TASER at activate it at Britton in probe mode. Britton was not following any commands whatsoever and was starting to move back out of our (officers) view and turns the corner. Officer Gonzalez stated he was unable to see Britton's hands and believed Britton still may be armed. Officer Gonzalez believed that his TASER was the only option remaining for him to deploy since all other alternatives had been exhausted. Officer Gonzalez stated, "We gave verbal commands. We had given warnings. We utilized gas. We utilized other munitions in the SWAT arsenal to come to a peaceful resolution that were ineffective." Officer Gonzalez utilized his TASER in probe mode to prevent Britton from moving back and forth in the attic. Officer Gonzalez was unable to see Britton's hands and believed that Britton may possess a weapon. Additionally, Officer Gonzalez knew it was going to take time to continue to break down the wall separating officers from Britton and attempt to move into the attic to initiate physical contact with Britton and take him into custody.

*Officer Gonzalez recalled, "At this point, Officer Burroughs has a TASER. He deploys the TASER and the suspect starts to move back out of our view and turns the corner. Ultimately, he comes back in our direction. He's effected. We can hear. We can - - he's effected to the sense of we hear him screaming. He is - - but he's not stopping. He's continuing to move back and forth. He's not following any commands whatsoever and he's moving slower but he's still moving and I can't see his hands or nobody has any visual of his hands. And with the belief that he still may be armed no confirmation that he - - that he no longer has a weapon and he's not listening to our commands and he hasn't stopped at that point I utilize a TASER that was in possession of Kelly Sandal. Used his TASER and I tased the suspect to - - to stop his actions."*²¹³

*"I'm roughly - - a estimation be anywhere from roughly five to 10 feet from the suspect on the opposite side of the wall. I have the actual visual through a port of dry wall and the suspect is moving around kind of at a crawl - - side-crawl position if you would just crawling through the - - the structure there on - - on - - on his side back rolling around in different directions. When I press the TASER the red dot indicates right around the top portion of his chest and the suspect screams and then the attempt is to go ahead and have our officers move in and take him into custody. But because we're divided between that wall it's going to take a matter of time to continue to break down this wall and gain access into the actual attic."*²¹⁴

*"Right - - right around midsection of body right around the sternum area."*²¹⁵

"At the time where force was used with the TASER, that was the option that was available and the only option that was utilized by myself in the sense that prior and

²¹³ Officer Gonzalez, 1st Interview, Pages 37-38, Lines 13-25 and 1-3.

²¹⁴ Officer Gonzalez, 1st Interview, Page 38, Lines 7-20.

²¹⁵ Officer Gonzalez, 1st Interview, Page 39, Lines 11-12.

leading up to that event, we utilized all options possible before actually taking any physical force against the suspect. We gave verbal commands. We had given warnings. We utilized gas. We utilized other munitions in the SWAT arsenal to come to a peaceful resolution that were ineffective. The suspect at this time presented himself and was - - secreted himself between the rafters of an attic. I was un - - unable to see his hands. It was still believed that he may possess a weapon.”²¹⁶

“Well, I’ve used a TASER before and I’ve seen the effects of a TASER on somebody, let’s say, in a normal state. With that being said, when I deploy the - - deploy the TASER, it didn’t have the desired effect. There wasn’t neuromuscular incapacitation.”²¹⁷

- **TASER Activations 2 through 4** – Three five-second activations in probe mode.

According to Officer Gonzalez, he activated his TASER three additional times to stop Britton’s movement and allow time for our actual arrest team to maneuver through that drywall, put hands on, and ultimately, put handcuffs on the suspect. Britton did not stop moving and Officer Gonzalez believed a secondary tasing would be effective to stop Britton’s movement. Officer Gonzalez stated, “Between every single tasing, there was a momentary pause.” Officer Gonzalez continued to assess the Britton’s actions. Officer Gonzalez noted, he continued to give commands for Britton to stop, however, Britton did not stop his actions. Additionally, Officer Gonzalez stated he wanted to stop his (Britton) movement from one to the other in order to increase the amount of time additional officers had to create an opening in the wall and position themselves to make physical contact to affect an arrest.

Officer Gonzalez recalled, “I assessed. There’s assessment that’s made. He continues to me it appears that he’s going to go kind of revive himself and continue to move and I continue to press the TASER about three additional times. In between each press there’s a short assessment ultimately, given our time - - our guys - - our officers time to break away the rest of the dry wall and effect an arrest.”²¹⁸

“The suspect did not stop moving. And it raised to a level where I believed a secondary tasing would be effective to stop his actions. In between every single tasing, there was a momentary pause, and I assessed the suspect’s actions. I continued to give commands as he continued to move and did not stop his actions. I continued to tase the suspect to gain compliance.”²¹⁹

²¹⁶ Officer Gonzalez, 2nd Interview, Page 4, Lines 2-15.

²¹⁷ Officer Gonzalez, 2nd Interview, Page 5, Lines 6-11.

²¹⁸ Officer Gonzalez, 1st Interview, Pages 38-39, Lines 21-25 and 1-2.

²¹⁹ Officer Gonzalez, 2nd Interview, Page 5, Lines 6-18.

*There - - in some cases, there was some screaming and yelling. He did continue to move. So he - - like I said, there wasn't a complete incapacitation. He did turn his body away from us in different - - different timeframes, which then again, did not allow me to see his hands which raised my level of concern before we made the actual approach. So there was some movement, continuous movement. There was some verbal communication on his behalf, screaming, yelling, things of that nature. But it wasn't necessarily a surrender."*²²⁰

*"Well, as he continues to move around, we have to make an approach, and there was a barrier between us and the suspect. And when I say there was a barrier, he was in the attic and we were behind one wall. We created a port or a viewing area by knocking out drywall. And it was going to take some time for our actual arrest team to maneuver through that drywall, put hands on, and ultimately, put handcuffs on the suspect. We wanted to stop his movement from one end to the other so we can effect that arrest. I tased him. I didn't have any other less lethal options with me."*²²¹

*"With that being said, in order to effect the arrest, I wanted to stop his actions, stop him from moving, confirm that he didn't have a weapon to allow the arrest team to move to the appointed area and actually put handcuffs on the suspect to take him into custody."*²²²

- **Fifth TASER Activation** – One five-second activation in probe mode.

According to Officer Gonzalez, he utilized his TASER a fifth time just prior to the actual contact with the suspect. Officer Gonzalez observed that Britton was still not following commands and was not surrendering. Officer Gonzalez utilized the TASER one additional time due to Britton continuing to move around, his refusal to comply with commands, and in order to allow additional officers to make their approach. Officer Gonzalez opined his final TASER activation caused Britton to cease his movement and Officer Gonzalez observed Britton was no longer fighting.

Officer Gonzalez recalled, *"I think there was a slight delay from the officer's action making their approach because they were breaking through that - - the dry wall and things of that nature. He's - - he appears to - - he's still not following commands. He's not submitting to arrest in the sense he's not surrendering. I believe if I'm correct I used the TASER one more time prior to the actual contact with the suspect."*²²³

²²⁰ Officer Gonzalez, 2nd Interview, Pages 5-6, Lines 22-25 and 1-7.

²²¹ Officer Gonzalez, 2nd Interview, Page 6, Lines 11-22.

²²² Officer Gonzalez, 2nd Interview, Page 7, Lines 3-8.

²²³ Officer Gonzalez, 1st Interview, Page 41, Lines 16-23.

*"That - - that final in my - - in my opinion that final TASER kind of took the life out of him in the sense that he was no longer fighting."*²²⁴

*"Between every assessment, the continue - - the suspect continues to move around. Yes. All those - - everything that you mentioned still exist up until the final tasing. That's when the suspect ultimately stops and we're able to go ahead and approach."*²²⁵

The UOFRB considered several factors during their assessment of the use of the TASER and the number of TASER activations by Officer Gonzalez. The UOFRB noted the circumstances and tactics that had been attempted as well as Britton's refusal to comply with commands to surrender throughout the incident. The SWAT officers had attempted to resolve the incident with only the minimal force necessary by establishing verbal communication through CNT as well as utilizing CS gas, robots, OC gas, tactical mirrors, an Eyeball camera, thermal readers, a Sting-Ball Grenade, and 40mm LLL rounds prior to utilizing the TASER. The UOFRB considered that all these tactical options had been implemented over an approximate eight-hour period and that an OIS occurred as the SWAT officers attempted to locate Britton in the south portion of the attic on the second floor.

The UOFRB noted the SWAT officers had attempted to utilize all the tactical options they had which were all ineffective and when visual contact was made with Britton, he was in an unsearched area of the residence, was believed to be armed, and leaving cover to approach and make physical contact would place them at a tactical disadvantage. The UOFRB considered Officer Gonzalez's observations that Britton was not complying with commands to surrender and was continuing to move around in an unsearched area. Officer Gonzalez was unable to see Britton's hands and believed he may be armed. He activated his TASER in order to control Britton's movement and allow additional SWAT officers to gain entry into the attic to initiate physical contact with Britton. The UOFRB considered Officer Gonzalez's four subsequent activations which were intended to exert some control over Britton's movement around the attic as additional SWAT officers closed distance with Britton to take him into custody.

Based upon the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Gonzalez, while faced with similar circumstances, would believe the applications of the TASER to stop Britton's actions was objectively reasonable.

Therefore, the Chief found Officer Gonzalez's Less-Lethal Use of Force utilizing the TASER to be objectively reasonable and In Policy, No Further Action.

²²⁴ Officer Gonzalez, 1st Interview, Page 41-42, Lines 25 and 1-2.

²²⁵ Officer Gonzalez, 2nd Interview, Page 11, Lines 18-23.

Officer Peery – TASER, three activations, one in probe mode and two in drive-stun mode.

- **First TASER Activation** – One five-second activation in probe mode, from an approximate distance of 7.6 feet.

Note: According to the FID investigation, Officer Peery indicated he was approximately 7-10 feet when he activated the TASER in probe mode.

According to Officer Peery, he observed Britton swinging at them (officers) violently with his arms as officers Hernandez and Messenger approached Britton to initiate physical contact and take him into custody. Officer Peery noted he was aware of the prior TASER activations on Britton, however, had a clear view and believed his TASER activation could be effective in stopping Britton's aggressive actions. Officer Peery utilized his TASER in probe mode based on the suspect's behavior. Officer Peery observed that Britton was actively fighting officers who were trying to make contact with Britton in a confined space in the attic and utilized his TASER to allow them to gain control Britton in order to take him into custody.

Officer Peery recalled, *"As the officers, who approached from the other side of the attic, moved up to make contact with the suspect, the suspect began swinging at them violently with his arms and trying to fight the suspect - - fight the officers as they moved up to take him into custody. So perceiving that the TASERs weren't effective and the suspect was still able to fight, I also deployed my TASER on the suspect just before the officers made contact. I held the TASER down - - the trigger of the TASER down to ensure that the - - that it would go at least the full five seconds and then some if I needed it."*²²⁶

*"And I only decided to deploy my TASER when officers actually made contact - - or attempted to make contact with the suspect and he started swinging at them. So I used the TASER kind of - - it was - - I don't want to call it a split second decision. But I knew that he was already being tased, so I didn't necessarily want to use my TASER again if the other TASERs were effective. But as he started swinging at the officers, who were trying to handcuff him, it became clear to me in that moment that the TASERs being used weren't entirely effective and I believe mine might have - - might have been. Because I had a clear view, so I deployed my TASER without a verbal warning."*²²⁷

"Yes, I did. The first activation, my assessment was based on the suspect's behavior. He was actively fighting officers who were trying to make contact with him in a confined space in the attic. I had heard prior TASER activations and knew that he had been, or that attempted had been made to tase him. And my assessment

²²⁶ Officer Peery, 1st Interview, Page 35, Lines 8-20.

²²⁷ Officer Peery, 1st Interview, Page 42, Lines 11-25.

was that they were not entirely effective. He was still able to swing and fight as officers made contact with him."²²⁸

*"I would estimate approximately 7 to 10 feet."*²²⁹

- **Second and third TASER Activations** – Two five-second activations in drive-stun mode

According to Officer Peery, he utilized his TASER on Britton's left leg in drive-stun mode due to Britton still fighting pretty strongly and his observation that officers were having a difficult time controlling him (Britton). Officer Peery advised, as officers were struggling with Britton, he observed that Britton was ridiculously strong and multiple SWAT officers were straining to overcome Britton's resistance. Officer Peery directed the TASER at the quadriceps area of Britton's leg and observed that it definitely stiffened Britton's leg and kept him from kicking us. However, Britton continued to resist, causing Officer Peery to activate his TASER one additional time on the muscular part of Britton's left leg in drive-stun mode to prevent him (Britton) from further resisting and kicking us (officers). Additionally, Officer Peery noted he was able to feel the muscular rigidity in Britton's leg as he activated the TASER which prevented Britton's active attempts to utilize his (Britton) leg from bending and kicking officers. Officer Peery stated after the third tasing, his assessment was that it would no longer be necessary to tase Britton and determined body weight was sufficient for controlling Britton.

Officer Peery recalled, *"The suspect was still fighting pretty strongly, so I used the TASER in what's called a contact mode or what we call a drive stun. And I did this to the suspect's meaty portion of his upper leg, kind of the quadriceps area or, you know, the muscular part of the leg. So I drove the TASER directly in the center of his leg to try and add some effectiveness to it. I couldn't see where my darts had hit. But believing that they had hit, I created an additional contact point and possibly make for more effective shot. So it did seem to have some effect. It definitely stiffened his leg and kept him from kicking us. I don't recall how many times I deployed the TASER. By my memory, I would have guessed four, possibly five times. However, looking at the contact sheet printout and it shows that I deployed the TASER three times. I know I deployed it initially one time when I shot the darts, and I know I deployed it at least twice in contact mode against the suspect. So at least three times I used my TASER, but twice would have been in contact mode against the suspect's left upper leg."*²³⁰

"While we were making contact with the - - the suspect, he was continuing to fight us and resist our - - our movements, and we were having a difficult time with him, so I

²²⁸ Officer Peery, 2nd Interview, Page 4, Lines 7-15.

²²⁹ Officer Peery, 2nd Interview, Page 4, Lines 19-20.

²³⁰ Officer Peery, 1st Interview, Page 36, Lines 3-25.

applied the TASER a second time. This time, in what would be considered like a close contact mode to his leg, like the meaty portion of his leg. And I just directed the - - the - - leaving the cartridge in place on the TASER, I directed the probes or the contact points, I guess you would call them, into the upper middle leg to try and gain some further pain compliance. And I could feel it - - I could feel the effects on the suspect. His body, his leg kind of tensing up their muscular rigidity. However, the suspect continued to resist. So I held the contact mode for what I perceived to be a few seconds. As we rolled him to his stomach, I - - in my assessment, as he still continued to fight us, I did it one additional time, also in close, or in the contact mode, to the same - - approximately the same portion of his muscular part of his leg.”²³¹

“So in the process of doing that, I tased him two additional times to try and gain more pain compliance. And like I said, I could feel the - - the muscular rigidity in his leg when I would apply the contact from the TASER which was effective in the sense that it kept his leg from bending and kicking us, which he was actively trying to do while we were trying to roll him over to his stomach. So your question is whether I tased him when he was on his stomach or whether it was in the process of rolling him over. I know at least one was in the process. And I don’t know if I did it. While we were both of them, while we were in the process of rolling him over or if the second one was after we already rolled him, but it was in the process of making that move and it was to prevent him from further resisting and kicking us.”²³²

“As we made contact with him, I maintained control of my TASER. And as we were struggling with him, I assessed then and decided that it would be helpful to tase him in the leg because he was ridiculously strong. Stronger than I would have thought. Keep in mind, five SWAT cops, and we work out on a regular basis. We’re wrestling with a skinny, perceived to be skinny 65-year-old man. And we’re having a hard time with it. You know? And he - - and keep in mind, he’s undergone a lot already in terms of hot gas and our Ferrets and other things that we’ve used at this point. Like, and he’s taken all of it. So my assessment was initially surprised that we were having so much trouble and I decided to use the TASER again on his leg. And that did seem to help. Like I said, it - - it caused that muscle rigidity. It - - it - - he was crying out in pain. And I don’t know if it was from my TASER or the other ones, but it - - the pain compliance was there as well. And seeing that it was at least somewhat effective when it ran out or when it - - I had stopped it, I decided to do it a second time.”²³³

²³¹ Officer Peery, 2nd Interview, Page 5-6, Lines 19-25 and 1-13.

²³² Officer Peery, 2nd Interview, Page 7, Lines 4-21.

²³³ Officer Peery, 2nd Interview, Page 9, Lines 3-24.

“But so there - - to answer your question, I assessed after each tasing. And then after the third tasing, my assessment was that it would no longer be necessary to tase him. Our body weight was sufficient.”²³⁴

The UOFRB considered several factors during their assessment of the use of the TASER and the number of TASER activations by Officer Peery. The UOFRB noted the circumstances and tactics that had been attempted as well as Britton’s refusal to comply with commands to surrender throughout the incident. The SWAT officers had attempted to resolve the incident with only the minimal force necessary by establishing verbal communication through CNT as well as utilizing CS gas, robots, OC gas, tactical mirrors, an Eyeball camera, thermal readers, a Sting-Ball Grenade, and 40mm LLL rounds prior to utilizing the TASER. The UOFRB considered that all these tactical options had been implemented over an approximate eight-hour period and that an OIS occurred as the SWAT officers attempted to locate Britton in the south portion of the attic on the second floor.

The UOFRB noted the SWAT officers had attempted to utilize all the tactical options they had which were all ineffective and when visual contact was made with Britton, he was in an unsearched area of the residence, was believed to be armed, and leaving cover to approach and make physical contact would place them at a tactical disadvantage. The UOFRB considered Officer Peery’s observations that Britton was violently swinging his arms at Officer Hernandez as Officer Hernandez was attempting grasp ahold of Britton’s wrist. Officer Peery activated his TASER in order to stop Britton from striking Officer Hernandez and then proceeded to make physical contact with Britton. The UOFRB considered Officer Peery’s two additional TASER activations in drive-stun mode on Britton’s left leg as Britton physically resisted the efforts of the SWAT officers’ attempts to gain control of his arms. Officer Peery’s assessment led him to determine that his body weight and the physical efforts by additional SWAT officers was sufficient for controlling Britton after the second drive-stun activation.

Based upon the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Peery, while faced with similar circumstances, would believe the applications of the TASER to stop Britton’s actions was objectively reasonable.

Therefore, the Chief found Officer Peery’s Less-Lethal Use of Force utilizing the TASER to be objectively reasonable and In Policy, No Further Action.

Lethal Use of Force

- *Law enforcement officers are authorized to use deadly force to:*
 - *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*

²³⁴ Officer Peery, 2nd Interview, Page 10, Lines 9-12.

- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*
- **Officer Moreno** – .556 caliber, 1 round fired in a westerly direction, angled upward, from an approximate distance of 7 to 12 feet.

According to Officer Moreno, from the onset of the encounter between Britton with SWAT officers as they deployed around Britton's residence, Britton had an angry demeanor and was yelling at officers and stated, "I'm going to shoot you in the face." Britton advised that he was in possession of a handgun that he was going to use to carry out his threat. Officer Moreno assisted with the search of Britton's residence. While in the first floor kitchen and acting as cover officer, Officer Moreno observed the insulation rise rapidly, approximately 10 inches from the attic floor. Officer Moreno utilized the tactical light affixed to his rifle to illuminate the open ceiling vent that he was covering. Officer Moreno observed Britton, who appeared to be angry, and Officer Moreno believed the situation was like an ambush concealed position because Britton was hiding underneath the insulation. Additionally, Officer Moreno observed a metal object that appeared to Officer Moreno to be like the barrel end or the tip end muzzle area of a handgun in Britton's right hand. Based on his knowledge that Britton did have registered handguns in his name, as well as Britton's threats to shoot officers, Officer Moreno believed he did not have time to provide verbal commands and felt that both his life and the lives of his fellow SWAT team members were in danger. Officer Moreno discharged one round from his rifle in order to protect himself and his fellow officers from any gunfire, which could result in death or any serious bodily injury. Immediately after discharging his rifle, Officer Moreno moved towards cover and assessed the tactical situation. Once Officer Moreno assessed and determined Britton was no longer visible and an imminent threat, he placed his weapon on safe.

Officer Moreno recalled, *"While acting as the cover officer, I observe, I observed the male suspect arise from underneath the insulation and I observed a [sic] object in his hand which I thought at the time was the barrel of a handgun pointing towards me and my fellow officers. Fearing for my life and safety, believing that I may be shot or my fellow officers may be shot, I fired one round - - I fired one round to protect myself and my officers from getting shot. From there I went ahead and retreated to cover."*²³⁵

²³⁵ Officer Moreno 1st Interview, Page 7-8, Lines 21-25 and 1-5.

*"I'd like to indicate that prior to shooting and observing what the suspect had in his hand based on his statements that he had given, that he had yelled to us, told us and knowing that he did have weapons registered to him, I felt that if - - it put a fear in me pretty much that I was gonna [sic] get shot at the time based on everything that had occurred prior and during and when, and what I was observing at that time."*²³⁶

*"The only thing I could see was - - to me it was the barrel of a handgun of some sort, possible revolver, but it was like a - - and I was only able to see the tip of it. I, I, I don't know. It was, it was so quick I just saw - - to me, it was, it was a barrel. Now, the, the details of it I can't tell you."*²³⁷

*"...I heard on several occasions the suspect yelling at us in like an angry demeanor that he -- he stated, "I'm going to shoot you in the face," and that he had a 9-millimeter that he was going to use to do that."*²³⁸

*"While acting as cover officer, I placed my weapon in the high-ready position with the stock of the weapon placed underneath the right side of my armpit and the muzzle pointed upward towards the 10-inch circular kitchen ceiling opening, which led into the attic. I used this position because the suspect was in a position of advantage with high ground in the attic from my location. And also being in the high-ready allowed me to have an eye muzzle target field of view."*²³⁹

*After a few seconds, in the direction of the four-side, and within two feet from inside of the attic space opening, I observed the insulation rise rapidly, approximately 10 inches from the attic floor. I then immediately saw the suspect was looking towards the opening of the ceiling hole that we had created and towards my direction, and was still hiding underneath the insulation. In order to blind the suspect with my light, I lit up the opening by turning on my - - my light that's attached to my rifle by using my left hand, and started moving towards my right for cover immediately. Once I turned on my light, I saw there was a metal object directly in front of the suspect, and it appeared as he - - as he was holding onto it and pointing it at us as he continued to lunge forward towards my direction. I then yelled, "Shit. Gun, gun," and believed that the suspect was armed with a handgun due - - due to it being a narrow metal like material which resembled a barrel of a handgun. It was more like the - - the very front tip muzzle of a handgun. It appeared that the suspect did not look startled."*²⁴⁰

²³⁶ Officer Moreno 1st Interview, Page 8, Lines 8-16.

²³⁷ Officer Moreno 1st Interview, Page 1113-16 and 20-22.

²³⁸ Officer Moreno 2nd Interview, Page 6-7, Lines 23-25 and 1-2.

²³⁹ Officer Moreno 2nd Interview, Page 19, Lines 4-13.

²⁴⁰ Officer Moreno 2nd Interview, Page 20-21, Lines 4-25 and 1.

*It looked like he appeared to be angry, more like the - - a frowned face looking at me. Based on the suspect's prior statements that he wanted to shoot us in the head, his military training, and what I was observing at that immediate moment, I believed and feared that the suspect was going to try to shoot me or my fellow officers who were located at the one-four corner of the attic while in an ambush conceal position. I feel it was like an ambush concealed position because he was hiding underneath the insulin - - insulation still, and his movement was still underneath, like his whole body was underneath the insulation. In order to protect myself and my fellow officers from any gunfire, which could result in death or any serious bodily injury, I placed my rifle off safe, took an aggressive close contact stance because of the close proximity of the suspect, and lowered my profile by bending my legs downward and fired one round towards the suspect to prevent him from shooting us."*²⁴¹

*"After firing, I continued to move towards the door jamb that was to my right for cover, and simultaneously transitioned to stock my rifle towards my right shoulder to retrieve a good platform and clear sight picture on the suspect. Once I did that, I assessed the situation and to observe what the suspect's actions were. I have observed that the suspect had gone downward and I see like his body motion leaning backwards towards the four-side of the attic still. I then declared to Sergeant Colomey that I was - - I had shot."*²⁴²

*"And I had stated that I observed the suspect pick up the insulation. And he had a - - and he made a furtive movement. And he had an object in his hand. Now thinking about it, I should have gone a little bit more detail, but at that time, when from me yelling, "Gun, gun", and based on the information we had, I felt that everyone knew that he was armed with a gun, and that demeanor of what we were doing based on our mission, I should have - - I kind of just figured that we all knew he had a gun based on my actions and what we knew until we have a four."*²⁴³

*"There's one thing I'd like to add towards the overall that from the time that I observed the suspect and find that at after I fired one round to - - to move into cover, I just want to indicate that this all occurred within a few seconds. Overall, I know our mission is that, or is reverence for human life, but I felt at the time, I did not have any time to de-escalate the situation by giving him any verbal commands based on what his actions of what he was doing at that time. And I felt that my life and my fellow officers' lives were in danger."*²⁴⁴

²⁴¹ Officer Moreno 2nd Interview, Page 21, Lines 5-25.

²⁴² Officer Moreno 2nd Interview, Page 22, Lines 1-10.

²⁴³ Officer Moreno 2nd Interview, Page 22-23, Lines 16-25 and 1.

²⁴⁴ Officer Moreno 2nd Interview, Page 23, Lines 9-19.

*"Yes. So from - - from my field of view, from about two feet inside that hole inside that attic, I actually saw the like a mountain. I mean, it's like a mountain of the - - or a section of insulation just rise into the air. Almost like a - - an explosion was coming underneath, and it just pops up in the air. And once it rolls to about 10 inches, underneath that, I can see the suspect was hiding. I could see the suspect's head, and like he was hiding underneath the insulation."*²⁴⁵

*"So it - - when he - - when he pops up, and I saw that it was his face that was underneath the insulation, I could - - I could see, I would say from the forehead to the bottom of the neck area of his face, but in the laying position, like laying down."²⁴⁶ So based on the suspect's actions and what I observed in his right hand, I felt that I had to - - my best tool at that time was to put light in his face so he can't see my position - - and try to shoot me."*²⁴⁷

*"At - - at that time, no, because as soon as I turned on the light, that's when I saw in his right hand a metal object that appeared to me to be like a - - the barrel end or the tip end muzzle area of a - - of a handgun. And so I was making my movement, and then because I felt that my life was in danger, I fired a round. And I have to fire one round. I did yell, "Shit. Gun, gun."*²⁴⁸

*"So after I fired the round, I observed like the suspect like drop, drop down. And I kind of saw movement going towards the four-side of the attic. He didn't - - did not stand. He did not crawl away. But it was like a two-step process. He dropped down and kind of went back. I kind of knelt back because I saw the in - - insulation move back towards the four-side. So it was more of a drop, and then like went backwards."*²⁴⁹

*"So for this scenario and this incident that occurred, on what I observed, the suspect was in close proximity, he had high ground, and he had a weapon on - - on him that I felt that he was going to use on me or my officers. So I felt I didn't have time to transition into a traditional good shooting position. So based on all the -- the totality of the circumstances of what was occurring, I decided to use a close contact position utilizing those techniques that I just explained and fired one round towards him. I knew when I fired that my - - based on the angle of my muzzle, that my background was good and that I didn't have any containment officers."*²⁵⁰

²⁴⁵ Officer Moreno 2nd Interview, Page 56, Lines 6-10 and 12-16.

²⁴⁶ Officer Moreno 2nd Interview, Pages 56-57, Lines 24-25 and 1-3.

²⁴⁷ Officer Moreno 2nd Interview, Page 58, Lines 3-6 and 8.

²⁴⁸ Officer Moreno 2nd Interview, Pages 58-59, Lines 20-25 and 1-3.

²⁴⁹ Officer Moreno 2nd Interview, Page 62, Lines 14-23.

²⁵⁰ Officer Moreno 2nd Interview, Page 65, Lines 6-18.

*"So once, after I fired my round, I continued to move towards cover. And I - - then I reestablished a good shooting position by aligning my sights on the target and tried to assess the situation to see if the suspect was going to continue his threat towards us or to see if he was going to continue his threat towards others. Once I assess that the suspect was no longer in field of few, I then went ahead and placed my weapon on safe."*²⁵¹

*"It was on safe. I've trained hundreds and thousands of times to put - - keep your weapon on safe until you're ready to fire."*²⁵²

*"So when I observed that the suspect was - - had popped up and lunging forward towards us, I saw - - I - - when I observed what I thought at the time was what was the muzzle of a barrel, it was more - - I felt like it was in the direction of me. Almost not directly but canted offset a little bit, maybe about 15, 20 degrees canted towards me or towards like my right shoulder. There was a part of me that also felt that he may have been trying to point it towards the officers who were at the one-four corner and moving towards their direction. But that immediate moment, I felt that it was pointed towards me, and then he was coming towards the hole where I was at and the pointing the weapon towards my direction."*²⁵³

*"And all I can - - all I - - and at the time, I could only see is like his head movement, his head coming up, popping up, and then moving forward, but still underneath the insulation. And at - - and the muzzle was in front of him between him and I at that time pointing toward my direction."*²⁵⁴

*"I - - I can see, and I - - and at that time, I knew and I felt that he was holding it with his right hand because it was to his right side. But it was like in front of him."*²⁵⁵

*"I mean, from the time he - - I mean, from the time he popped up, came forward, and then myself lighting him to taking a shot, all that was, I mean a split second. I mean, it was quick."*²⁵⁶

"Once again, I'd like to indicate that if I didn't feel threatened, I would have - - my overall goal was to move to cover and then give him verbal commands to de-

²⁵¹ Officer Moreno 2nd Interview, Page 66, Lines 2-11.

²⁵² Officer Moreno 2nd Interview, Page 82, Lines 15-17.

²⁵³ Officer Moreno 2nd Interview, Page 90, Lines 10-24.

²⁵⁴ Officer Moreno 2nd Interview, Page 91, Lines 7-10 and 12-14.

²⁵⁵ Officer Moreno 2nd Interview, Pages 91-92, Lines 25 and 1-3.

²⁵⁶ Officer Moreno 2nd Interview, Page 92, Lines 14-17.

*escalate the situation. But once again, I felt I didn't have time to do any of that. So that's why I felt my life's in danger so I had to shoot."*²⁵⁷

*"Fucked up," I don't remember saying it, but I do remember feeling it and thinking it at that time. Now that I listen to the audio, enhanced audio, and hearing me say, "shit," and "fucked up," it was during the time was when after I fired, I observed the suspect drop and move immediately towards the four-side and that had quickly gave me an indicator that he was still active and moving after I had fired. Saying "shit," and "fucked up," are actually potty mouth words that I use all the time..."*²⁵⁸

*"What I recall at that time, what I was feeling and I saw that the suspect was moving, at that immediate moment, I thought that I missed the suspect and I had not done my job as a SWAT officer. We in SWAT rely on each other to do our missions from positioning to being a cover officer to being a less lethal or containment or breacher and based on those things that we depend on each other, I felt at the time that I failed my SWAT officers because I allowed the suspect to continue to be active in the attic and possibly either hurt or injure myself or other officers. I've been involved in many deadly force situations as a shooting officer or witnessing officer where a miss has followed up with either my fellow team members dying or being shot by the suspect or allowed other officers to have other shots during the incident. So, when I saw the suspect was still moving and I had not did my job, I immediately had heavy emotions coming down my chest and back. And I felt that I failed my team members."*²⁵⁹

*"Ultimately, at the very end, we were able to take him into custody without injuring him and that's what actually is our mission, is reference for human life. So now seeing it, I'm glad that I missed but ultimately at that immediate moment, I was emotionally upset. And like I said, I remember saying, "fucked up," but I do remember that I fucked up because I missed him."*²⁶⁰

*"But under that stressful moment, I don't remember saying it, but I do remember feeling it at that time. And so ultimately overall at that immediate moment, I've had instances where I've been able to stop threats at 900 yards. And now I have a threat 46 feet away from me, the closest shot I had ever taken, and I had missed. So, I can see how a lot of emotions had came up on me within that immediate moment when I saw him still active in the attic and I failed to do my job as a SWAT officer."*²⁶¹

²⁵⁷ Officer Moreno 2nd Interview, Page 94, Lines 6-12.

²⁵⁸ Officer Moreno 3rd Interview, Page 4, Lines 12-21.

²⁵⁹ Officer Moreno 3rd Interview, Page 5, Lines 1-19.

²⁶⁰ Officer Moreno 3rd Interview, Page 6, Lines 19-25.

²⁶¹ Officer Moreno 3rd Interview, Page 7, Lines 9-19.

*"I know it's been my past a Public Safety Statement is generally given to either give information or to assist our fellow officers to handle the tactical situation. At that time, I remember, and I believe that I had yelled, "Gun," and everyone had heard it. We knew that the suspect was armed because he had stated he was harmed and an OIS occurred. So, when I give my Public Safety Statement, it was one of those things once again that I didn't feel I had to go into too detail because I believed at the time that he knew certain facts based at that time. When I gave my statement, my interview statement, generally, you go pretty detailed into explaining in length exactly what I was feeling, observing, and seeing at that time. And so based on, you know, that based on when I was talking to Sergeant Colomey and like I indicated before, I knew and believed that he had certain facts and there was no additional information I had to give him to help him support his overall tactical decision making."*²⁶²

In this case, the UOFRB conducted a thorough review and analysis of the reasonableness of Officer Moreno's use of lethal force. The UOFRB took into consideration that while CNT officers were attempting to communicate and establish verbal dialogue with Britton, Britton became increasingly hostile and threatened to shoot the SWAT officers with both a handgun and a high-powered rifle. Officer Moreno believed Britton to be armed and heard Britton's multiple threats directed to SWAT officers that Britton was going to shoot officers "in the face."

Additionally, Officer Moreno was provided information that Britton was possibly a military veteran, and therefore, may have received military training. The residence had already had chemical agents introduced to the environment, to which Britton continued to refuse to submit to arrest. The UOFRB noted the information provided regarding Britton's background, in conjunction with Britton verbalizing his hostile intent to kill officers, formed Officer Moreno's belief with regard to Britton being a potentially dangerous suspect.

The UOFRB noted Officer Moreno assessed that Britton presented an immediate lethal threat while he covered an open vent in the ceiling of the kitchen. Officer Moreno observed the ceiling insulation raise up briefly exposing Britton. Officer Moreno stated that he observed Britton pointing a metal object which he perceived as the barrel of a handgun at him. Based on having a "split second" to react, Officer Moreno stated that he was unable to move to cover and feared for his life. Taking into consideration the information regarding Britton's military background, his intent to shoot officers, and Britton's access to handguns, Officer Moreno believed Britton intended to shoot Officer Moreno and his fellow officers. Officer Moreno discharged one round from his rifle to defend himself and his fellow officers from the deadly threat, and immediately assessed after the OIS. Officer Moreno maintained his position as a DCO and communicated to fellow SWAT officers that he had been involved in an OIS and that he had observed movement in the attic.

²⁶² Officer Moreno 3rd Interview, Pages 18-19, Lines 25 and 1-20.

The UOFRB also noted that Officer Moreno, in response to the imminent deadly threat, discharged one round from his rifle. Officer Moreno assessed the incident immediately after he fired his rifle and ceased fire as he observed Britton appear to move back away from the ceiling vent opening and out of Officer Moreno's view.

Based on a preponderance of evidence and totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Moreno, would reasonably believe Britton's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, the Chief found Officer Moreno's Use of Lethal Force to be In Policy, No Further Action.

Additional/Equipment

- **Profanity** – The investigation revealed that immediately following the OIS, Officer Moreno stated, "Shit, fucked up." Captain C. Valenzuela, Serial No. 33440, Assistant Commanding Officer, Metropolitan Division, advised that this issue was addressed through informal counseling. The Commanding Officer of Counter-Terrorism and Special Operations Bureau (CTSOB) and the Director of the Office of Special Operations (OSO) concurred with this action. As such, the Chief deemed no further action is necessary.
- **Protocols Subsequent to a CUOF (PSS)** – The investigation revealed Sergeant Colomey administered an abbreviated PSS shortly after the OIS. Due to officer safety concerns and the possible need to modify their tactics, Sergeant Colomey inquired as to if Officer Moreno specifically observed a gun. Sergeant Colomey requested information from Officer Moreno regarding what Officer Moreno had observed prior to the OIS. Officer Moreno advised Sergeant Colomey that he observed that Britton "popped up" and picked the insulation up. Officer Moreno further stated he observed a "furtive movement" and a hard object in the suspect's hand. Captain Valenzuela advised that this issue was addressed through informal counseling. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.
- **Maintaining Equipment (SWAT Equipment Truck and BEARCAT)** – The investigation revealed that the Sting-Ball Grenade utilized in the incident was manufactured by Combined Tactical Systems (CTS), and was approved for exterior use only. The SWAT equipment truck, which the responsibility of maintenance resides with the METRO Armory personnel (Vault), was erroneously stocked with CTS Sting-Ball Grenades and not the approved Amtec Less Lethal Systems (ALS) Sting-Ball Grenades. The ALS Sting-Ball Grenade was approved for interior use on SWAT deployments. Captain Valenzuela noted that the appearance of two different types of Sting-Ball Grenades are nearly identical and have the same shape, size, and color. Captain Valenzuela advised this issue was addressed through informal

counseling for all Vault personnel regarding properly equipping the SWAT equipment truck with approved munitions.

Additionally, the CLS Sting-Ball Grenades have been clearly labeled for exterior use only and the approved ALS Sting-Ball Grenades are now equipped in the SWAT equipment truck. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed while the boom from the BEARCAT was being maneuvered within the enclosed metal mesh surrounding the front patio to breach the front door, CS gas, which had been loaded into the boom, was unintentionally deployed. Captain Valenzuela advised this unintentional deployment was determined to be an equipment issue in which an object fell on the housing of the case holding the gas which caused the lever to pull the pin out of the CS canister and deploy the gas. Captain Valenzuela advised that the equipment issue leading to the unplanned deployment of gas was identified and that SWAT has communicated with the manufacturer, Lenco, to devise a solution to resolve the issue.

- **Loading Standards** – The investigation revealed that Officer Moreno had loaded 27 rounds of Department approved ammunition into his third rifle magazine. The Department loading requirement for his rifle magazine was a total of 28 rounds. Captain Valenzuela advised that this issue was addressed through the generation of a Supervisory Action Item (SAI) and the issuance of a Notice to Correct Deficiencies (NTC). The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.
- **Maintaining Equipment** – The investigation revealed that Officer Moreno's Department issued rifle had several missing components. Officer Moreno's rifle was missing the stock pad, the adjustable lever for the collapsible stock, and the charging handle latch. Officer Moreno advised that the adjustable lever for his collapsible stock had been damaged during training and missing for approximately one year. Officer Moreno indicated his stock pad and charging handle latch were attached to his rifle when he deployed it at the scene of the incident. Captain Valenzuela advised that this issue was addressed through the generation of a SAI and the issuance of a NTC. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.²⁶³
- **BWV Activation** – The investigation revealed, Officer Hernandez turned off his BWV to meet with Sergeants Porter and Colomey to discuss tactics. However,

²⁶³ To eliminate future issues with equipment issued to members of SWAT, Metropolitan Division initiated a Metropolitan Armory inspection of firearms for SWAT officers who go on extended leaves, such as vacation.

Officer Hernandez' BWV was not reactivated once he re-entered Britton's residence and his BWV remained off for the remainder of the incident.

An analysis by Metropolitan Division determined Officer Hernandez had no prior BWV non-compliance incidents. The issue was brought to the attention of Captain Valenzuela who advised that this deviation was addressed through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary. Special Operations Group conducted a random inspection of BWVs associated to Officer Hernandez from April 11, 2020 through June 11, 2020, for compliance with BWV policy specific to late activation and no activation. The results of the inspection indicated Officer Hernandez was in compliance.

The investigation revealed that Officer Gonzalez' BWV was not activated during the time he activated his TASER. The BWV camera issued to Officer Gonzalez was being repaired, therefore he was issued a loaner BWV camera for the incident. At the conclusion of the incident, he discovered that his BWV had turned off and the battery was drained. The issue was brought to the attention of Captain Valenzuela who advised this deviation was an anomaly and resulted in no corrective action. Additionally, all SWAT officers have been issued a second BWV camera in order to prevent a reoccurrence of this issue in the future. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary. Special Operations Group conducted a random inspection of BWVs associated to Officer Gonzalez from April 11, 2020 through June 11, 2020, for compliance with BWV policy specific to late activation and no activation. The results of the inspection indicated Officer Gonzalez was in compliance.

The investigation revealed that Officer Wills activated his BWV late and did not capture his initial entry and search of the first floor of the residence utilizing K-9 Silas. Officer Wills' BWV was activated later into the incident as he assisted Officer Peters and K-9 Storm during the search of the second floor. An analysis by Metropolitan Division determined Officer Wills had no prior BWV non-compliance incidents. The issue was brought to the attention of Captain Valenzuela who advised this deviation was addressed through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary. Special Operations Group conducted a random inspection of BWVs associated to Officer Wills from April 11, 2020 through June 11, 2020, for compliance with BWV policy specific to late activation and no activation. The results of the inspection indicated Officer Wills was in compliance.

According to the FID investigation, a review of Sergeant Colomey's BWV, he conducted a modified PSS with Officer Moreno which was captured on Sergeant Colomey's and Officer Moreno's BWV. According to Sergeant Colomey, he was not

aware their BWV cameras were still activated. Captain Valenzuela advised that this issue was addressed through informal counseling. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed that Officer Resurreccion was seated in the back of the RA with LAFD personnel while transporting Britton to the hospital. Officer Resurreccion did not activate his BWV during the transportation of Britton. An analysis by 77th Area determined Officer Resurreccion had no prior BWV non-compliance incidents. The issue was brought to the attention of Captain M. Odle, Serial No. 22369, Commanding Officer, 77th Street Patrol Division, who advised this deviation was addressed through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of Operations – South Bureau (OSB) and the Director of the Office of Operations (OO) concurred with this action. As such, the Chief deemed no further action is necessary.

The Office of Operations conducted a random inspection of BWVs associated to Officer Resurreccion from May 1, 2020 through May 31, 2020, for compliance with BWV policy specific to no activation. The results of the inspection indicated Officer Resurreccion was in compliance.

Audio/Video Recordings

- **Digital In-Car Video System (DICVS)** – There were six DICVS videos related to this incident. Each video was reviewed in its entirety by an FID investigator. The videos captured the pre-and post-response to the OIS; however, they did not provide a view of the OIS.
- **Body Worn Video (BWV)** – There were 66 BWVs related to this incident. Each video was reviewed in its entirety by FID investigators.

The BWVs of Officers Moreno, Adam, and Martin captured the SWAT tactics and the OIS.

The BWVs of Sergeants Colomey, Porter, and Officer Hernandez captured the CNT negotiations, tactical planning, SWAT tactics, contacts with Britton, and portions of the Less Lethal and Non-Lethal UOF.

The BWVs of Officers Adam, Burroughs, Gonzalez, Howard, Martin, Messenger, Peery, Pultz, Perez, and Sandell captured SWAT tactics and portions of the Less Lethal and Non-Lethal UOF.

The BWVs of Officers Bodell, Goosby, Samuelson, and Williams captured SWAT tactics.

The BWVs of Officers Peters and Wills captured planning and K-9 tactics.

The BWVs of Officers Roman, Buhrlen, and Winkler captured victim statements, tactical planning, and tactics of 77th Street Patrol Division officers. The officers' BWVs further captured Britton making a threat that Britton was going to arm himself.

The BWVs of Sergeant Baumann captured the tactical planning and tactics of 77th Street Patrol Division officers.

The BWVs of Officers Abraham, Cardenas, Cruz, Lomeli, Polomik, Sandate, and Yepez captured the tactics of 77th Street Patrol Division officers.

- **Outside Videos** – Investigators from FID determined that the cameras mounted on Britton's residence were not connected to an active recording system. FID officers canvassed the immediate area for security cameras depicting the OIS; however, none were found.

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INSPECTOR GENERAL REVIEW

Inspector General Analysis

Investigation Quality

- No significant issues of concern were identified in relation to investigation quality.

Training Issues

- No significant issues of concern were identified in relation to training.

Equipment Issues

- No significant issues of concern were identified in relation to equipment.

Detention

- The OIG concurs with the Chief's analysis.

Tactical De-escalation

- The Chief's report states, under the Tactical De-escalation/Lines of Communication heading, *"Following the OIS, Officer Moreno continued to maintain his lethal cover role, assessed, and communicated to other SWAT officers that he had fired."* The available evidence, including the BWV of the officers located in the area of the OIS as well as the statements of those same officers, indicates that there was substantial confusion and delay in determining whether the gunshot had come from the suspect or from any officer, and also whether it had come from Officer Moreno specifically. This confusion was a result of Officer Moreno's failure to communicate in a safe and timely manner to the other SWAT officers in the vicinity that he had been the shooter in the incident. This issue is further addressed in the OIG's Tactics recommendation below.

The OIG concurs with the remainder of the Chief's analysis.

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- **BWV and DICVS Policy Compliance**

SERIAL	NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
35866	Moreno, Isaac	Yes	Yes	Yes	N/A	N/A
30978	Adam, Bruce	Yes	Yes	Yes	N/A	N/A
34477	Martin, Gregory	Yes	Yes	Yes	N/A	N/A
32059	Colomey, Timothy	Yes	Yes	Yes	N/A	N/A
30729	Porter, Michael	Yes	Yes	Yes	N/A	N/A
34927	Hernandez, Steve	No	Yes	No	N/A	N/A
39255	Burroughs, Royce	Yes	Yes	Yes	N/A	N/A
37128	Gonzalez, Rene	Yes	Yes	No	N/A	N/A
30405	Ng, Howard	Yes	Yes	Yes	N/A	N/A
30403	Messenger, Michael	No	Yes	Yes	N/A	N/A
40651	Peery, Phillip	Yes	Yes	Yes	N/A	N/A
34942	Pultz, Jonathan	No	Yes	No	N/A	N/A
30602	Perez, Eduardo	Yes	Yes	Yes	N/A	N/A
31321	Sandell, Kelly	No	Yes	Yes	N/A	N/A
34688	Bodell, Canaan	Yes	Yes	Yes	N/A	N/A
35124	Goosby, Joseph	Yes	Yes	Yes	N/A	N/A
30676	Samuelson, Anthony	Yes	Yes	Yes	N/A	N/A
37102	Williams, Rodney	No	Yes	Yes	N/A	N/A
30256	Peters, Mike	Yes	Yes	Yes	N/A	N/A
33368	Wills, Steven	No	Yes	No	N/A	N/A
37546	Roman, Janette	Yes	Yes	Yes	N/A	N/A
43721	Buhrlen, Michael	Yes	Yes	Yes	N/A	N/A
43875	Winkler, Michael	Yes	Yes	Yes	N/A	N/A
30540	Baumann, Tamara	Yes	Yes	Yes	N/A	N/A
42098	Abraham, Marvin	No	Yes	Yes	N/A	N/A
35197	Cardenas, Ruben	Yes	Yes	Yes	N/A	N/A
30098	Martin, Rebecca	Yes	Yes	Yes	N/A	N/A
39226	Lomeli, Roman	Yes	Yes	Yes	N/A	N/A
42951	Polomik, Bryan	Yes	Yes	Yes	N/A	N/A
36567	Sandate, Paul	Yes	Yes	Yes	N/A	N/A
41791	Yepes, Reynaldo	Yes	Yes	Yes	N/A	N/A

Inspector General Recommendations

Tactics

- In its review of this case, the OIG noted that Officer Moreno's lack of timely and effective communication about his observations of the suspect at the time of the OIS and his role as the shooting officer in this incident did not comport with Department training regarding tactical communication. Furthermore, Officer Moreno's descriptions of his efforts to communicate about these matters were often inconsistent with the available evidence.

With regard to tactical communication, the Department's training includes the following language:

In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves:

- Advising the primary officer of any critical occurrences or safety issues (e.g., movement within the target vehicle, someone approaching outside the primary officer's field of vision, possible crossfire situations, etc.)*
- Avoid inappropriate interruptions; and,*
- Avoid giving directions which conflict with those given by the primary officer. Only one person, usually the primary officer, gives the commands, unless a specific situation calls for another officer to issue a command (California Commission on Peace Officers Standards and Training, Learning Domain No. 22).*

As noted in OIG Note No. 5, Officer Moreno's failure to immediately identify himself as the shooter in the OIS created significant confusion and delay amongst other involved officers in determining that the gunshot had been fired by Officer Moreno and not by the suspect. In addition, immediately after the OIS occurred, Officer Moreno did not communicate to his partners at the scene his belief that the suspect possessed a firearm and had just pointed it at him and other officers. This lack of appropriate communication decreased the other officers' situational awareness and, in doing so, lowered the chances that the incident would be brought to a successful resolution without unnecessary harm to any of the parties involved.

Illustrating the crucial nature of Officer Moreno's observations in this incident, as well as the need for him to communicate those observations immediately and effectively, Sergeant Colomey indicated during the investigation that the tactics he and his team would need to utilize as the incident progressed hinged on whether or not the suspect had been seen in possession of a firearm. In discussing the "partial or modified PSS" that he obtained from Officer Moreno nearly 5 minutes after the OIS occurred – while the officers inside the residence maintained their positions, unaware of whether or not the suspect had just been seen armed with a firearm – Sergeant Colomey stated, *"But I still did not know if I had an armed suspect with a gun, and that all that was protected on my officers was a thin, you know, quarter-inch ceiling that easily could be fired through with no protection. So, when I exited that location, my goal with Isaac [Officer Moreno] was just to get enough information to know that I need to pull out my entire team out of that house and get into armored vehicles. And the tactics would be completely different. We would start dismantling that house through the use of armor because of the position that suspect was in threatened us. So, and I had left all those officers in a very dangerous situation, so time was not on my side when I stepped outside to get a quick statement from Isaac [Officer Moreno] to know the level of the threat that we were possessing in front of us"*²⁶⁴

²⁶⁴ Sergeant Colomey's 3rd statement, Page 22, Lines 5-20.

Sergeant Colomey additionally stated, *“If Isaac [Officer Moreno] saw the suspect point a gun down through that, that the tactic more than likely would have been to exit that structure because at no - - we couldn’t defend ourselves with him up in that roof firing blindly through the roof. And everyone that I had on the second floor were in the same danger because he could fire through that wall and they can’t see. So I had to make a - - a quick decision. I had to make sure the officers understood where we stood tactically, because they were very uncomfortable at that moment.”*²⁶⁵

During Officer Moreno’s first interview with FID, he told investigators that he had announced himself as the officer who fired a gunshot just after the OIS occurred. However, the available evidence in the investigation of this incident did not support that assertion. During his second interview, Officer Moreno said that just prior to the OIS, he saw the suspect pointing a metal object at him; believing the suspect was armed with a handgun, he yelled, *“Shit. Gun, gun,”* and then fired one round from his rifle.²⁶⁶ He also said, *“I then declared to Sergeant Colomey that I was - - I had shot. I was the one who shot.”*²⁶⁷ However, the investigation revealed that what Officer Moreno had actually said was, *“Shit, fucked up”*, and that this statement was made after the OIS had occurred, not immediately prior to it. The investigation also did not support Officer Moreno’s indication that he had identified himself as the shooter to Sergeant Colomey in a timely manner. It was not until Officer Moreno’s third interview, after he listened to an enhanced audio recording that captured the OIS, when he acknowledged hearing himself *“saying ‘shit,’ and ‘fuck,’ or ‘fucked up’”*.²⁶⁸

The available evidence indicates that Officer Moreno did not alert his partners about his belief that the suspect possessed a firearm and had pointed it at him and them, either immediately before or after the OIS, and that he did not identify himself as the shooting officer until after a significant delay. Officer Moreno’s lack of effective tactical communication regarding such critical information amounted to a substantial and unjustified deviation from Department training. The OIG therefore recommends that he receive a Tactics finding of Administrative Disapproval.

Drawing/Exhibiting

- The OIG concurs with the Chief’s findings.

²⁶⁵ Sergeant Colomey’s 2nd statement, Page 43, Line 21 to Page 44, Line 7.

²⁶⁶ Officer Moreno’s 2nd statement, Page 20, Line 17 to Page 21, Line 25.

²⁶⁷ Officer Moreno’s 2nd statement, Page 22, Lines 9-11.

²⁶⁸ Officer Moreno’s 3rd statement, Page 4, Lines 9-10.

Non-Lethal Use of Force

- The OIG concurs with the Chief's findings.
- Although the individual activations of the TASER during this incident appeared to be reasonable when considering the totality of the circumstances, the OIG was concerned about the high number of activations that took place in aggregate. The OIG recommends that the Tactical Debrief of this incident address the importance of coordinating officers' actions in order to minimize the need for multiple uses of force against a suspect, as well as the importance of avoiding simultaneous TASER activations against a suspect, to the extent possible.

Lethal Use of Force

- The OIG concurs with the Chief's findings.

A handwritten signature in black ink, appearing to read "M. P. Smith". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mark P. Smith
Inspector General